

Ont.
G.P.

LEGISLATIVE ASSEMBLY OF ONTARIO

THIRD SESSION OF THE
TWENTY-SIXTH PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

NOVEMBER 22nd to DECEMBER 15th, 1961

and

FEBRUARY 20th to APRIL 18th, 1962

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THIRD SESSION, TWENTY-SIXTH PARLIAMENT

November 22nd to December 15th, 1961

and

February 20th to April 18th, 1962

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BILL 1

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to confirm the Revised Statutes of Ontario, 1960

MR. ROBERTS

EXPLANATORY NOTE

An Act of this nature is customarily passed following a general revision of the Statutes.

BILL 1

1961-62

**An Act to confirm the
Revised Statutes of Ontario, 1960**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Revised Statutes of Ontario, 1960, as printed by the Queen's Printer, shall be deemed to have come into force and to have had effect as law on the 1st day of January, 1961. R.S.O. 1960, confirmed

2. The enactments mentioned in Schedule A appended to the Revised Statutes of Ontario, 1960 shall be deemed to have been repealed on the 1st day of January, 1961, to the extent mentioned in the third column of the Schedule. Repeal of certain enactments confirmed

3. The Legislature shall not, by reason of the passing of this Act, be deemed to have adopted the construction which, by judicial decision or otherwise, may have been placed upon the language of any Act in the Revised Statutes of Ontario, 1960, or upon similar language. Judicial interpretation

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Revised Statutes Confirmation Act, 1961-62*. Short title

An Act to confirm the
Revised Statutes of Ontario, 1960

1st Reading

November 22nd, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 1

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to confirm the Revised Statutes of Ontario, 1960

MR. ROBERTS

BILL 1

1961-62

**An Act to confirm the
Revised Statutes of Ontario, 1960**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Revised Statutes of Ontario, 1960, as printed by the Queen's Printer, shall be deemed to have come into force ^{R.S.O. 1960, confirmed} and to have had effect as law on the 1st day of January, 1961.

2. The enactments mentioned in Schedule A appended to the Revised Statutes of Ontario, 1960 shall be deemed to ^{Repeal of certain enactments confirmed} have been repealed on the 1st day of January, 1961, to the extent mentioned in the third column of the Schedule.

3. The Legislature shall not, by reason of the passing of this Act, be deemed to have adopted the construction which, ^{Judicial interpretation} by judicial decision or otherwise, may have been placed upon the language of any Act in the Revised Statutes of Ontario, 1960, or upon similar language.

4. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

5. This Act may be cited as *The Revised Statutes Confirmation Act, 1961-62*. ^{Short title}

An Act to confirm the
Revised Statutes of Ontario, 1960

1st Reading

November 22nd, 1961

2nd Reading

December 1st, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 2

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to effect the Consolidation of All Works and Systems of The Hydro-Electric Power Commission of Ontario

MR. MACAULAY

EXPLANATORY NOTE

This Bill consolidates the Northern Ontario Properties and the Southern Ontario System and creates a single unified power system throughout Ontario.

BILL 2

1961-62

An Act to effect the Consolidation of All Works and Systems of The Hydro-Electric Power Commission of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Commission" means The Hydro-Electric Power Commission of Ontario. Interpretation

2. All works for the generation, transmission or distribution of power in any of the territorial districts of Ontario as set forth in *The Territorial Division Act* and all other assets related thereto now held by the Commission in trust for Her Majesty or in trust for the municipalities comprised in the Commission's Thunder Bay System, all as described in section 65 of *The Power Commission Act* as the "Northern Ontario Properties", are hereby vested absolutely in the Commission. Northern Ontario Properties vested in Commission R.S.O. 1960, cc. 395, 300

3. The agreement entered into by His Majesty and the Commission dated the 30th day of June, 1933, pursuant to section 43a of *The Power Commission Act*, is terminated. Agreement terminated R.S.O. 1927, c. 57

- 4.—(1) The amounts heretofore charged and received under power contracts by the Commission from persons supplied by it with power for the account of Her Majesty for repayment of indebtedness incurred or assumed by the Commission with respect to the "Northern Ontario Properties" in respect of which Her Majesty heretofore had a beneficial interest shall be transferred and allocated by the Commission as it, in its discretion, determines for the benefit of such persons. Amounts received from municipalities preserved for their benefit

- (2) The amounts heretofore charged and received from each municipality comprised in the Commission's Thunder Bay System for repayment of indebtedness incurred or assumed by the Commission with respect to the "Northern Ontario Properties" is preserved for the benefit of each such municipality. Amounts received from municipalities preserved for their benefit

Power
contracts
in
territorial
districts

5. All contracts for the supply or purchase of power within the territorial districts of Ontario heretofore entered into by the Commission shall be deemed hereafter to have been entered into on its own behalf.

Commence-
ment

6. This Act comes into force on the 1st day of January, 1962.

Short title

7. This Act may be cited as *The Power Commission's Systems Consolidation Act, 1961-62*.

An Act to effect the Consolidation of All
Works and Systems of The Hydro-Electric
Power Commission of Ontario

1st Reading

November 23rd, 1961

2nd Reading

3rd Reading

MR. MACAULAY

BILL 2

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to effect the Consolidation of All Works and Systems of The Hydro-Electric Power Commission of Ontario

MR. MACAULAY



BILL 2

1961-62

An Act to effect the Consolidation of All Works and Systems of The Hydro-Electric Power Commission of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Commission" means The Hydro-Electric Power Commission of Ontario. Interpre-
tation

2. All works for the generation, transmission or distribution of power in any of the territorial districts of Ontario as set forth in *The Territorial Division Act* and all other assets related thereto now held by the Commission in trust for Her Majesty or in trust for the municipalities comprised in the Commission's Thunder Bay System, all as described in section 65 of *The Power Commission Act* as the "Northern Ontario Properties", are hereby vested absolutely in the Commission. Northern
Ontario
Properties
vested in
Commission
R.S.O. 1960,
cc. 395, 300

3. The agreement entered into by His Majesty and the Commission dated the 30th day of June, 1933, pursuant to section 43a of *The Power Commission Act*, is terminated. Agreement
terminated
R.S.O. 1927,
c. 57

4.—(1) The amounts heretofore charged and received under power contracts by the Commission from persons supplied by it with power for the account of Her Majesty for repayment of indebtedness incurred or assumed by the Commission with respect to the "Northern Ontario Properties" in respect of which Her Majesty heretofore had a beneficial interest shall be transferred and allocated by the Commission as it, in its discretion, determines for the benefit of such persons. Amounts
received
under power
contracts
allocated
for benefit
of con-
tributors

(2) The amounts heretofore charged and received from each municipality comprised in the Commission's Thunder Bay System for repayment of indebtedness incurred or assumed by the Commission with respect to the "Northern Ontario Properties" are preserved for the benefit of each such municipality. Amounts
received
from muni-
cipalities
preserved
for their
benefit

Power
contracts
in
territorial
districts

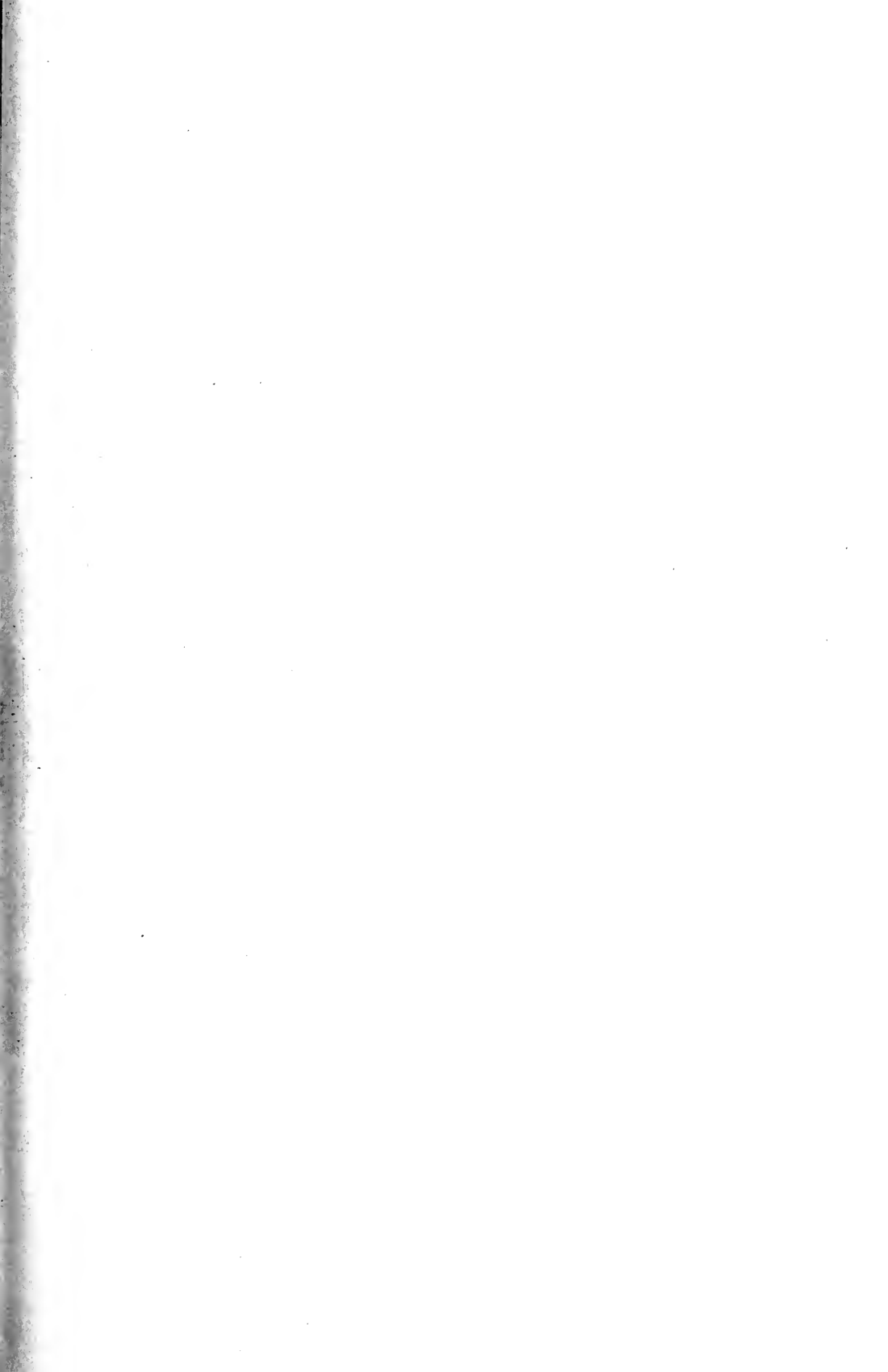
5. All contracts for the supply or purchase of power within the territorial districts of Ontario heretofore entered into by the Commission shall be deemed hereafter to have been entered into on its own behalf.

Commence-
ment

6. This Act shall be deemed to have come into force on the 1st day of January, 1962.

Short title

7. This Act may be cited as *The Power Commission's Systems Consolidation Act, 1961-62*.



An Act to effect the Consolidation of All
Works and Systems of The Hydro-Electric
Power Commission of Ontario

1st Reading

November 23rd, 1961

2nd Reading

March 20th, 1962

3rd Reading

March 30th, 1962

MR. MACAULAY

BILL 3

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Power Commission Act

MR. MACAULAY

EXPLANATORY NOTES

SECTION 1. "Buildings" is defined for the purposes of the Act.

SECTIONS 2 to 9. These amendments are complementary to Bill 2 which consolidates the Northern Ontario Properties and the Southern Ontario System.

BILL 3

1961-62

An Act to amend The Power Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Power Commission Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 300, s. 1,
amended

(aa) "buildings" includes all buildings, structures and works that the Commission deems necessary for the purposes of this Act.

2. Clause *b* of section 17 of *The Power Commission Act* is amended by striking out "rural power districts" in the third and fourth lines and inserting in lieu thereof "the rural power district", so that the clause shall read as follows: R.S.O. 1960,
c. 300, s. 17,
cl. b,
amended

(b) such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from the supply of power in the rural power district.

3. Clause *a* of section 26 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 300, s. 26,
cl. a,
re-enacted

(a) for the purposes of standardizing and making uniform the periodicity in alternations of current at which it supplies power, alter, reconstruct, rebuild, reassemble, construct, extend, replace or do whatever else may be necessary in respect of its works, works held by it under section 86 and, with their consent, works wherever situate of other persons who are supplying or purchasing or otherwise delivering or accepting delivery of power to or from the Commission.

4. Clause *f* of subsection 2 of section 55 of *The Power Commission Act* is amended by striking out "or in respect" R.S.O. 1960,
c. 300, s. 55,
subs. 2,
cl. f,
amended

of the acquisition or construction of works referred to in section 64 or in section 65" in the third and fourth lines, so that the clause shall read as follows:

- (f) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 29, 38 and 86, or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951* or in *The St. Lawrence Development Act, 1952* (No. 2) providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.

1951, c. 55;
1952
(2nd Sess.),
c. 3

R.S.O. 1960,
c. 300,
ss. 64, 65,
repealed

5. Sections 64 and 65 of *The Power Commission Act* are repealed.

R.S.O. 1960,
c. 300, s. 72,
subs. 1,
amended

- 6.—(1) Subsection 1 of section 72 of *The Power Commission Act* is amended by striking out "sections 64, 88 and 92" in the fourth line and inserting in lieu thereof "section 88", so that the subsection shall read as follows:

Supply of
power

- (1) In addition to the powers conferred upon it by this Act or any other Act to contract with municipal corporations for the supply by it of power and to contract with persons pursuant to section 88, the Commission, subject to the approval of the Lieutenant Governor in Council, may contract with any other person for the supply of power to such person upon such terms and conditions as the Commission deems proper.

R.S.O. 1960,
c. 300, s. 72,
subs. 3,
re-enacted

- (2) Subsection 3 of the said section 72 is repealed and the following substituted therefor:

Application
of net
surplus

- (3) Any net surplus made by the Commission in supplying power under subsection 1 shall be applied as the Commission may determine from time to time for adjusting and proportioning and making equitable and stabilizing the rates for power payable to the Commission.

R.S.O. 1960,
c. 300, s. 72,
subs. 4,
amended

- (3) Subsection 4 of the said section 72 is amended by striking out "clauses a, b, c and d of" in the sixth and seventh lines, so that the subsection shall read as follows:

Determina-
tion of
net surplus

- (4) Net surplus referred to in subsection 3 shall be determined by deducting from the revenue received

from supplying power under subsection 1 all moneys placed to the credit of the frequency standardization reserve account pursuant to subsection 2 and an amount determined by the Commission for costs and charges as enumerated in section 78.

7. Subsections 2 and 3 of section 86 of *The Power Commission Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 300, s. 86, subss. 2, 3, re-enacted

- (2) There shall be one rural power district comprising Rural power district all of the territory of Ontario excepting the areas of all municipal corporations and police villages that have contracted with the Commission for the supply of power at cost or that hereafter so contract.
- (3) The Commission may, on behalf of the corporation Commission powers as well as on its own behalf,
 - (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all lands and works necessary for the transmission to and the transforming and distributing in the rural power district of power;
 - (b) supply power to any customer or at any premises in the rural power district;
 - (c) perform, enjoy and enforce all contracts in which the corporation agrees to supply or sell power to any customer or at any premises in the rural power district.

8. Section 92 of *The Power Commission Act* is repealed. R.S.O. 1960, c. 300, s. 92, repealed

9. Section 93 of *The Power Commission Act* is amended by R.S.O. 1960, c. 300, s. 93, amended striking out "except where the contract is with a municipal corporation for the supply of power from any of the works mentioned in section 64" in the sixth, seventh and eighth lines, so that the section shall read as follows:

- 93. All the provisions of Part II as to the annual pay- Application of Part II as to annual payments ments to be made by the municipal corporations that have entered into contracts with the Commission apply to a contract entered into under this Part, and extend to the works constructed under the contract for transforming, distributing and supplying power in a rural power district.

R.S.O. 1960,
c. 300, s. 111,
subs. 2,
amended

10. Subsection 2 of section 111 of *The Power Commission Act* is amended by striking out "shall" in the ninth line and inserting in lieu thereof "may", so that the subsection shall read as follows:

Municipal
commission,
how
composed
in city of
60,000
or over

- (2) Notwithstanding *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, in a city having a population of 60,000 or over according to the last enumeration of the assessor, the corporation of which has entered into a contract with the Commission under this Act, the commission to be established for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of power may consist of three members, one of whom shall be the mayor of the city, one of whom shall be appointed by the municipal council of the city for two years and until his successor is appointed, and the third of whom shall be appointed by the Commission for two years and until his successor is appointed, and such appointees are eligible for re-appointment.

Commence-
ment

11. This Act comes into force on the 1st day of January, 1962.

Short title

12. This Act may be cited as *The Power Commission Amendment Act, 1961-62*.

SECTION 10. Subsection 2 of section 111 of the Act provides that a municipal commission for a city of 60,000 population or over shall be composed of three members. The subsection is amended to make this provision permissive only so that the commission may be composed as provided in *The Public Utilities Act*.

An Act to amend
The Power Commission Act

1st Reading

November 23rd, 1961

2nd Reading

3rd Reading

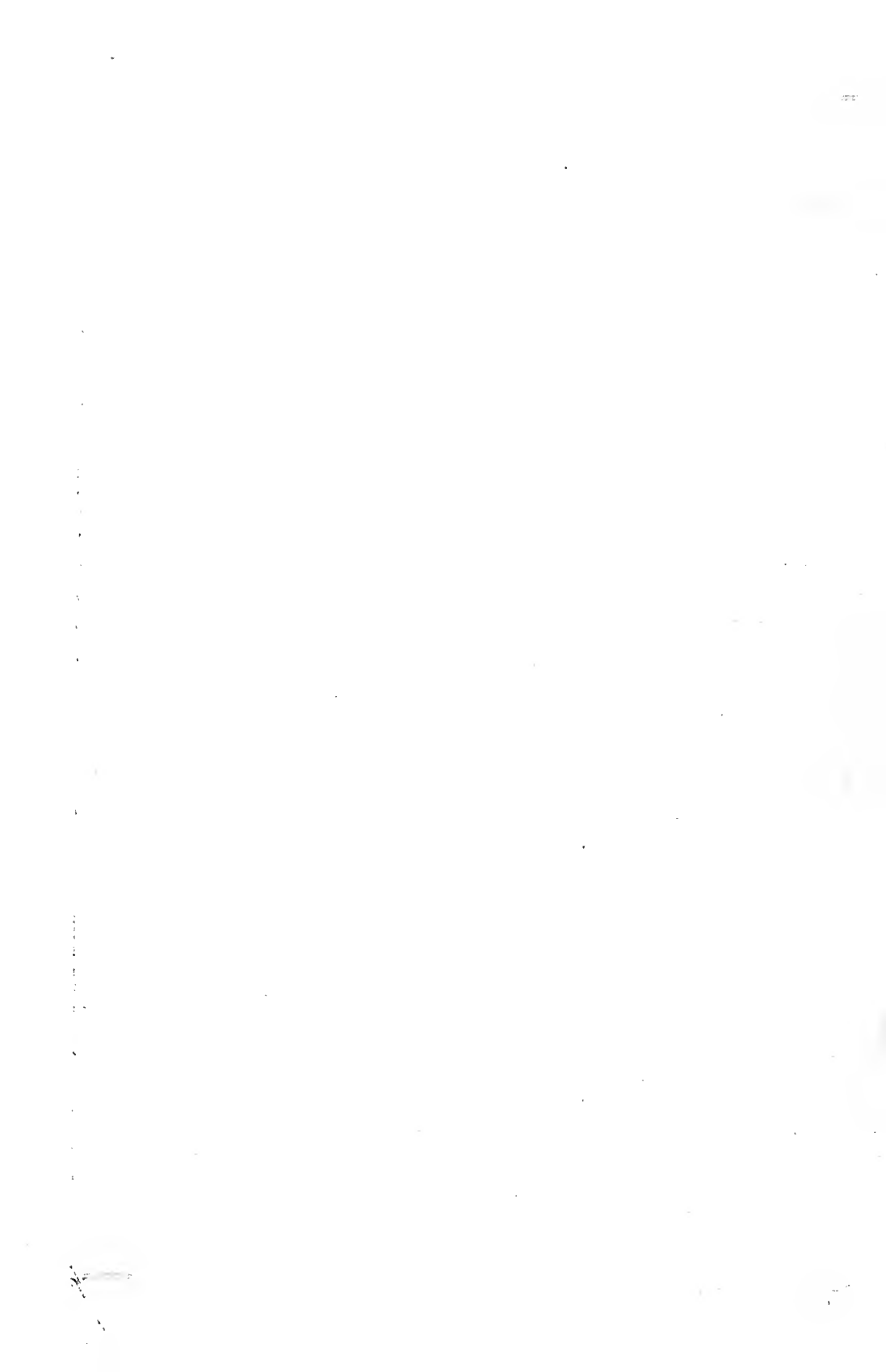
MR. MACAULAY

BILL 3

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Power Commission Act

MR. MACAULAY



BILL 3

1961-62

An Act to amend The Power Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Power Commission Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 300, s. 1,
amended

(aa) "buildings" includes all buildings, structures and works that the Commission deems necessary for the purposes of this Act.

2. Clause *b* of section 17 of *The Power Commission Act* is amended by striking out "rural power districts" in the third and fourth lines and inserting in lieu thereof "the rural power district", so that the clause shall read as follows: R.S.O. 1960,
c. 300, s. 17,
cl. b,
amended

(b) such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from the supply of power in the rural power district.

3. Clause *a* of section 26 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 300, s. 26,
cl. a,
re-enacted

(a) for the purposes of standardizing and making uniform the periodicity in alternations of current at which it supplies power, alter, reconstruct, rebuild, reassemble, construct, extend, replace or do whatever else may be necessary in respect of its works, works held by it under section 86 and, with their consent, works wherever situate of other persons who are supplying or purchasing or otherwise delivering or accepting delivery of power to or from the Commission.

4. Clause *f* of subsection 2 of section 55 of *The Power Commission Act* is amended by striking out "or in respect R.S.O. 1960,
c. 300, s. 55,
subs. 2,
cl. f,
amended

of the acquisition or construction of works referred to in section 64 or in section 65" in the third and fourth lines, so that the clause shall read as follows:

- (f) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 29, 38 and 86, or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951* or in *The St. Lawrence Development Act, 1952 (No. 2)* providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.

1951, c. 55;
1952
(2nd Sess.),
c. 3

R.S.O. 1960,
c. 300,
ss. 64, 65,
repealed

5. Sections 64 and 65 of *The Power Commission Act* are repealed.

R.S.O. 1960,
c. 300, s. 72,
subs. 1,
amended

6.—(1) Subsection 1 of section 72 of *The Power Commission Act* is amended by striking out "sections 64, 88 and 92" in the fourth line and inserting in lieu thereof "section 88", so that the subsection shall read as follows:

Supply of
power

- (1) In addition to the powers conferred upon it by this Act or any other Act to contract with municipal corporations for the supply by it of power and to contract with persons pursuant to section 88, the Commission, subject to the approval of the Lieutenant Governor in Council, may contract with any other person for the supply of power to such person upon such terms and conditions as the Commission deems proper.

R.S.O. 1960,
c. 300, s. 72,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 72 is repealed and the following substituted therefor:

Application
of net
surplus

- (3) Any net surplus made by the Commission in supplying power under subsection 1 shall be applied as the Commission may determine from time to time for adjusting and proportioning and making equitable and stabilizing the rates for power payable to the Commission.

R.S.O. 1960,
c. 300, s. 72,
subs. 4,
amended

(3) Subsection 4 of the said section 72 is amended by striking out "clauses a, b, c and d of" in the sixth and seventh lines, so that the subsection shall read as follows:

Determina-
tion of
net surplus

- (4) Net surplus referred to in subsection 3 shall be determined by deducting from the revenue received

from supplying power under subsection 1 all moneys placed to the credit of the frequency standardization reserve account pursuant to subsection 2 and an amount determined by the Commission for costs and charges as enumerated in section 78.

7. Subsections 2 and 3 of section 86 of *The Power Commission Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 300, s. 86, subss. 2, 3, re-enacted

- (2) There shall be one rural power district comprising Rural power district all of the territory of Ontario excepting the areas of all municipal corporations and police villages that have contracted with the Commission for the supply of power at cost or that hereafter so contract.
- (3) The Commission may, on behalf of the corporation Commission powers as well as on its own behalf,
 - (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all lands and works necessary for the transmission to and the transforming and distributing in the rural power district of power;
 - (b) supply power to any customer or at any premises in the rural power district;
 - (c) perform, enjoy and enforce all contracts in which the corporation agrees to supply or sell power to any customer or at any premises in the rural power district.

8. Section 92 of *The Power Commission Act* is repealed. R.S.O. 1960, c. 300, s. 92, repealed

9. Section 93 of *The Power Commission Act* is amended by R.S.O. 1960, c. 300, s. 93, amended striking out "except where the contract is with a municipal corporation for the supply of power from any of the works mentioned in section 64" in the sixth, seventh and eighth lines, so that the section shall read as follows:

- 93. All the provisions of Part II as to the annual pay- Application of Part II as to annual payments ments to be made by the municipal corporations that have entered into contracts with the Commission apply to a contract entered into under this Part, and extend to the works constructed under the contract for transforming, distributing and supplying power in a rural power district.

R.S.O. 1960,
c. 300, s. 111,
subs. 2,
amended

10. Subsection 2 of section 111 of *The Power Commission Act* is amended by striking out "shall" in the ninth line and inserting in lieu thereof "may", so that the subsection shall read as follows:

Municipal
commission,
how
composed
in city of
60,000
or over

- (2) Notwithstanding *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, in a city having a population of 60,000 or over according to the last enumeration of the assessor, the corporation of which has entered into a contract with the Commission under this Act, the commission to be established for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of power may consist of three members, one of whom shall be the mayor of the city, one of whom shall be appointed by the municipal council of the city for two years and until his successor is appointed, and the third of whom shall be appointed by the Commission for two years and until his successor is appointed, and such appointees are eligible for re-appointment.

Commence-
ment

11. This Act shall be deemed to have come into force on the 1st day of January, 1962.

Short title

12. This Act may be cited as *The Power Commission Amendment Act, 1961-62*.

An Act to amend
The Power Commission Act

1st Reading

November 23rd, 1961

2nd Reading

March 20th, 1962

3rd Reading

March 30th, 1962

MR. MACAULAY

BILL 4

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Legislative Assembly Act

MR. BRYDEN

EXPLANATORY NOTES

SECTION 1. The provision repealed prohibits the issuance of a writ for a by-election during a session of the Legislature.

SECTION 2. Alternative methods are provided for appointing a returning officer for the purpose of a by-election after three months have expired.

BILL 4

1960-62

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Legislative Assembly Act* is repealed. R.S.O. 1960,
c. 208, s. 25,
repealed
2. Section 28 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 208, s. 28,
re-enacted
 - 28.—(1) If the seat of a member has been vacant for three months and no writ has been issued, the Chief Election Officer shall issue the writ forthwith. Where
vacancy
exists for
3 months
 - (2) When the Chief Election Officer is prevented from issuing the writ referred to in subsection 1 because no returning officer has been appointed for the electoral district concerned, the Chief Election Officer shall appoint a returning officer immediately, notwithstanding anything contained in *The Election Act*. When Chief
Election
Officer shall
appoint
returning
officer

R.S.O. 1960,
c. 118
 - (3) When the Chief Election Officer fails to carry out any duty required by this section, any person who would be qualified to vote at the election concerned may apply to the Supreme Court for an order requiring the Chief Election Officer to carry out such duty, and the decision of the court is final and enforceable in the same manner as a mandamus. Enforcement
on default
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Legislative Assembly Amendment Act, 1961-62*. Short title

An Act to amend
The Legislative Assembly Act

1st Reading

November 24th, 1961

2nd Reading

3rd Reading

MR. BRYDEN

BILL 5

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amalgamate the Department of Economics and Federal and Provincial Relations and the Department of Commerce and Development

MR. MACAULAY

EXPLANATORY NOTE

This Bill is self-explanatory.

BILL 5

1961-62

**An Act to amalgamate the Department of
Economics and Federal and Provincial
Relations and the Department of
Commerce and Development**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Economics and Development;
- (b) "Minister" means the Minister of Economics and Development.

2. The Department of Economics and Federal and Provincial Relations and the Department of Commerce and Development shall be amalgamated and shall continue as a department of the public service under the name of the Department of Economics and Development.

Departments
amalgama-
ted

3. The Minister shall preside over and have charge of the Department.

Minister
to have
charge

4. The Department shall perform the functions heretofore performed by the Department of Economics and Federal and Provincial Relations and by the Department of Commerce and Development, except such of them as have been or are hereafter assigned to another department of the public service.

Functions

5. Notwithstanding the provisions of any other Act, the Lieutenant Governor in Council may assign the administration of any Act to the Minister and the Minister shall be responsible for the administration of any Act so assigned and may exercise the powers and shall perform the duties of the minister named in any Act so assigned.

Assignment
of Acts

Reference
to Minister
in other
Acts

6. A reference in any Act to the Minister of Planning and Development or the Minister of Commerce and Development, except where inconsistent with the intent of the Act, shall be deemed to be a reference to the Minister of Economics and Development.

Repeal

7. The following Acts are repealed:

R.S.O. 1960,
c. 93

1. *The Department of Economics and Federal and Provincial Relations Act.*

1960-61,
c. 19

2. *The Department of Economics Amendment Act, 1960-61.*

1960-61,
c. 18

3. *The Department of Commerce and Development Act, 1960-61.*

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Department of Economics and Development Act, 1961-62.*

An Act to amalgamate the Department of
Economics and Federal and Provincial
Relations and the Department of
Commerce and Development

1st Reading

November 24th, 1961

2nd Reading

3rd Reading

MR. MACAULAY

BILL 5

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amalgamate the Department of Economics and Federal and Provincial Relations and the Department of Commerce and Development

MR. MACAULAY

BILL 5

1961-62

**An Act to amalgamate the Department of
Economics and Federal and Provincial
Relations and the Department of
Commerce and Development**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Economics and Development;
- (b) "Minister" means the Minister of Economics and Development.

2. The Department of Economics and Federal and Provincial Relations and the Department of Commerce and Development shall be amalgamated and shall continue as a department of the public service under the name of the Department of Economics and Development.

Departments
amalgamated

3. The Minister shall preside over and have charge of the Department.

Minister
to have
charge

4. The Department shall perform the functions heretofore performed by the Department of Economics and Federal and Provincial Relations and by the Department of Commerce and Development, except such of them as have been or are hereafter assigned to another department of the public service.

Functions

5. Notwithstanding the provisions of any other Act, the Lieutenant Governor in Council may assign the administration of any Act to the Minister and the Minister shall be responsible for the administration of any Act so assigned and may exercise the powers and shall perform the duties of the minister named in any Act so assigned.

Assignment
of Acts

Reference
to Minister
in other
Acts

6. A reference in any Act to the Minister of Planning and Development or the Minister of Commerce and Development, except where inconsistent with the intent of the Act, shall be deemed to be a reference to the Minister of Economics and Development.

Repeal

7. The following Acts are repealed:

R.S.O. 1960,
c. 93

1. *The Department of Economics and Federal and Provincial Relations Act.*

1960-61,
c. 19

2. *The Department of Economics Amendment Act, 1960-61.*

1960-61,
c. 18

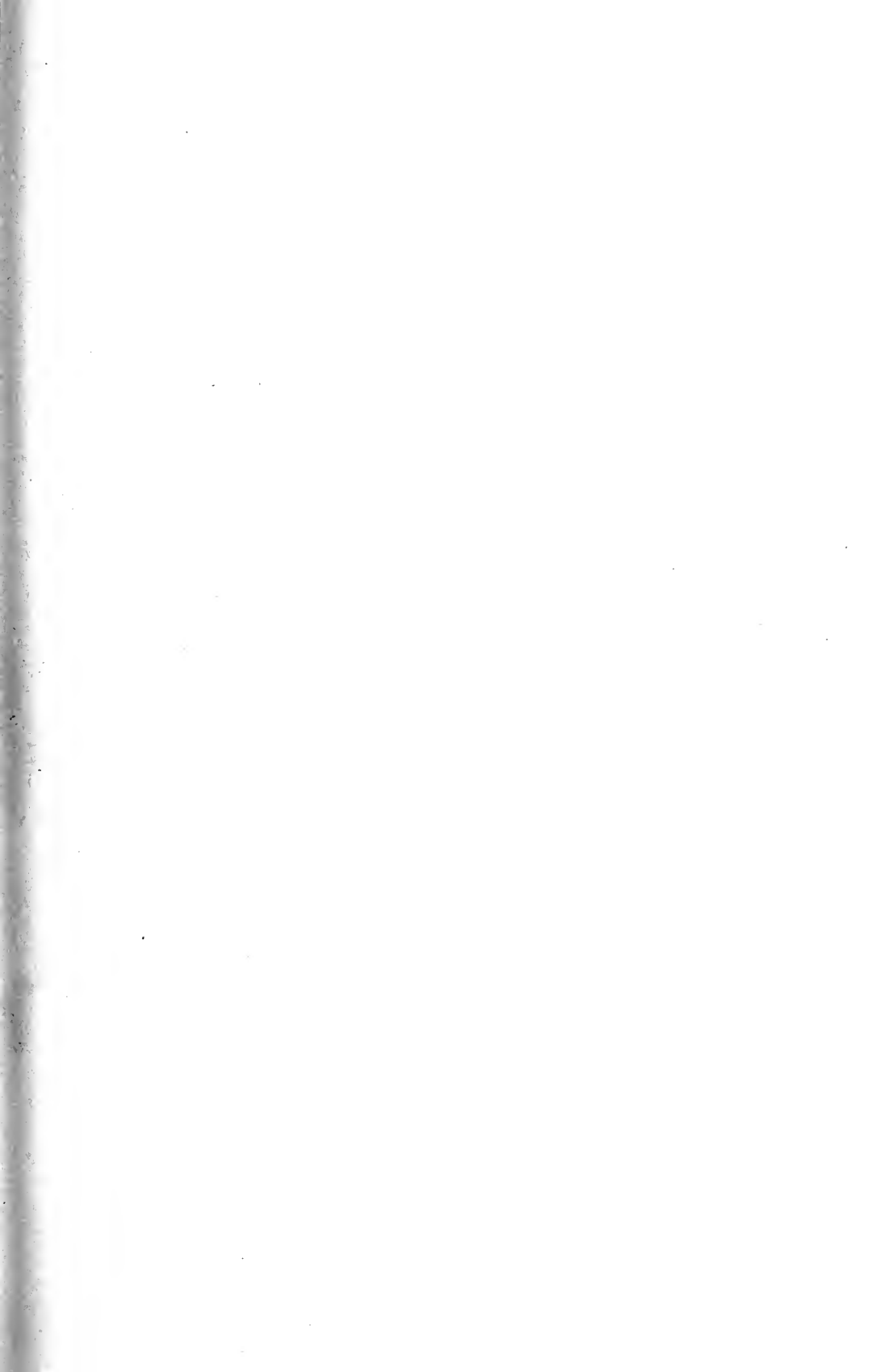
3. *The Department of Commerce and Development Act, 1960-61.*

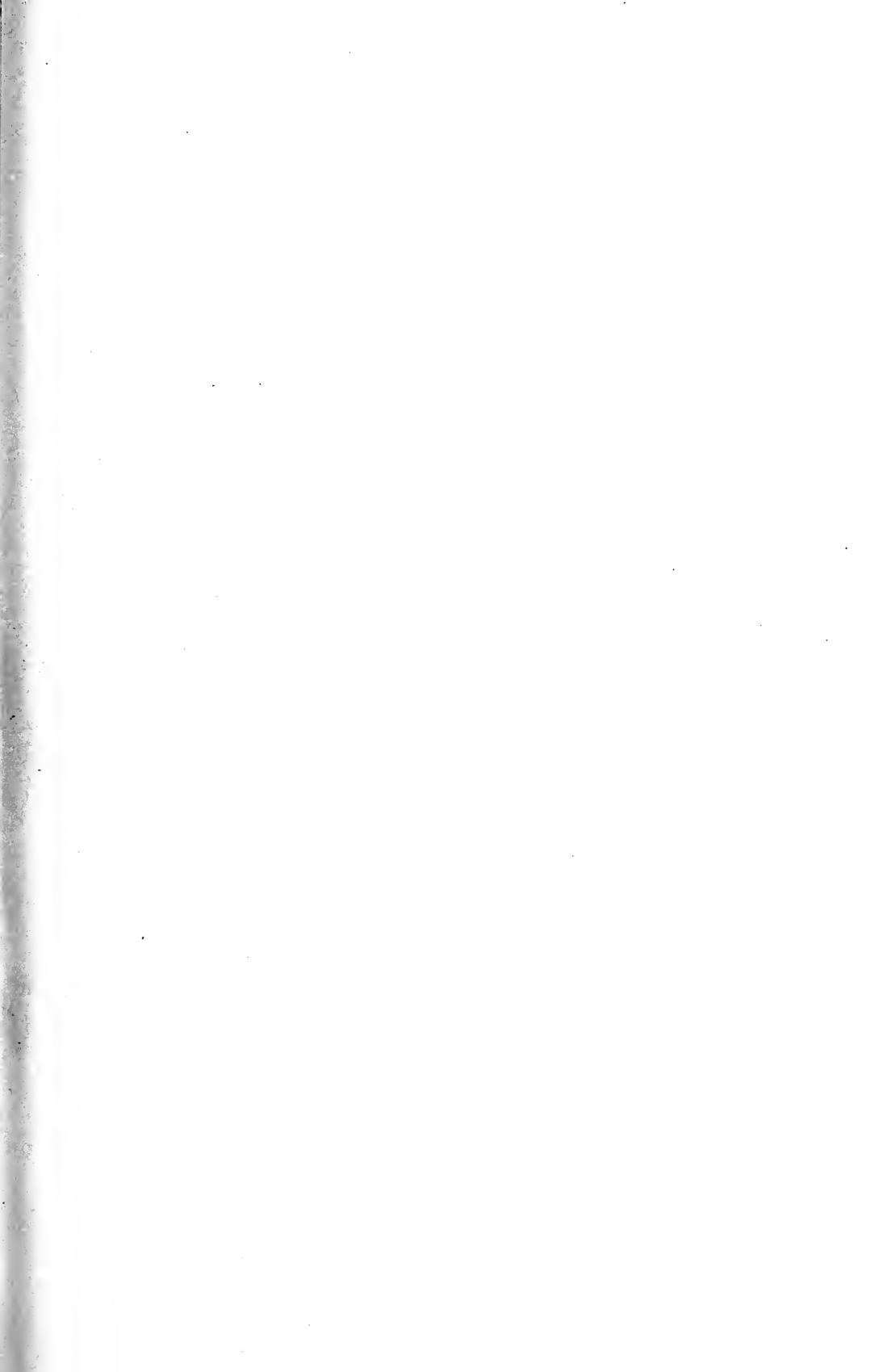
Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Department of Economics and Development Act, 1961-62.*





An Act to amalgamate the Department of
Economics and Federal and Provincial
Relations and the Department of
Commerce and Development

1st Reading

November 24th, 1961

2nd Reading

November 30th, 1961

3rd Reading

December 4th, 1961

MR. MACAULAY

BILL 6

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Ontario Parks Integration Board Act

MR. MACAULAY

EXPLANATORY NOTE

Self-explanatory.

BILL 6

1961-62

**An Act to amend
The Ontario Parks Integration Board Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Ontario Parks Integration Board Act* is amended by striking out "the Minister of Planning and Development" in the fifth and sixth lines and inserting in lieu thereof "the Minister of Economics and Development", so that the subsection shall read as follows:

R.S.O. 1960,
c. 277, s. 1,
subs. 2,
amended

- (2) The Board shall be composed of the chairman of ^{Composition} The Niagara Parks Commission, the chairman of The Ontario-St. Lawrence Development Commission or a vice-chairman of that Commission designated by the Commission, the Treasurer of Ontario, the Minister of Lands and Forests, the Minister of Economics and Development and their successors in office from time to time.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Ontario Parks Integration Board Amendment Act, 1961-62*. ^{Short title}

An Act to amend The Ontario Parks
Integration Board Act

1st Reading

November 24th, 1961

2nd Reading

3rd Reading

MR. MACCULLAY

BILL 6

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Ontario Parks Integration Board Act

MR. MACAULAY

BILL 6

1961-62

**An Act to amend
The Ontario Parks Integration Board Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Ontario Parks Integration Board Act* is amended by striking out "the Minister of Planning and Development" in the fifth and sixth lines and inserting in lieu thereof "the Minister of Economics and Development", so that the subsection shall read as follows: R.S.O., 1960,
c. 277, s. 1,
subs. 2,
amended

- (2) The Board shall be composed of the chairman of Composition
The Niagara Parks Commission, the chairman of
The Ontario-St. Lawrence Development Commission
or a vice-chairman of that Commission designated
by the Commission, the Treasurer of Ontario, the
Minister of Lands and Forests, the Minister of
Economics and Development and their successors
in office from time to time.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The Ontario Parks Integration Board Amendment Act, 1961-62.* Short title

An Act to amend The Ontario Parks
Integration Board Act

1st Reading

November 24th, 1961

2nd Reading

November 28th, 1961

3rd Reading

December 4th, 1961

MR. MACATLAY

BILL 7

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Conservation Authorities Act

MR. MACAULAY

EXPLANATORY NOTE

The amendment provides that the Act shall be administered by the member of the Executive Council designated by the Lieutenant Governor in Council.

BILL 7

1961-62

**An Act to amend
The Conservation Authorities Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Conservation Authorities Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 62, s. 1,
cl. *g*,
re-enacted

(*g*) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Conservation Authorities Amendment Act, 1961-62*.

Short title

An Act to amend
The Conservation Authorities Act

1st Reading

November 24th, 1961

2nd Reading

3rd Reading

MR. MACAULAY

BILL 7

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Conservation Authorities Act

MR. MACAULAY

BILL 7

1961-62

**An Act to amend
The Conservation Authorities Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of section 1 of *The Conservation Authorities Act* <sup>R.S.O. 1960,
c. 62, s. 1,
cl. g,
re-enacted</sup> is repealed and the following substituted therefor:

(g) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent.^{ment}

3. This Act may be cited as *The Conservation Authorities* ^{Short title} *Amendment Act, 1961-62.*

An Act to amend
The Conservation Authorities Act

1st Reading

November 24th, 1961

2nd Reading

November 28th, 1961

3rd Reading

December 4th, 1961

MR. MACAULAY

BILL 8

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Parks Assistance Act

MR. MACAULAY

EXPLANATORY NOTE

The amendment provides that the Act shall be administered by the member of the Executive Council designated by the Lieutenant Governor in Council.

BILL 8

1961-62

An Act to amend The Parks Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Parks Assistance Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 285, s. 1,
cl. *c*,
re-enacted

(*c*) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Parks Assistance Amendment Act, 1961-62*.

An Act to amend
The Parks Assistance Act

1st Reading

November 24th, 1961

2nd Reading

3rd Reading

MR. MACAULAY

BILL 8

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Parks Assistance Act

MR. MACAULAY

BILL 8

1961-62

An Act to amend The Parks Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Parks Assistance Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 285, s. 1,
cl. *c*,
re-enacted

(*c*) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Parks Assistance Amendment Act, 1961-62*.

Short title

An Act to amend
The Parks Assistance Act

1st Reading

November 24th, 1961

2nd Reading

November 28th, 1961

3rd Reading

December 4th, 1961

MR. MACAULAY

BILL 9

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Provincial Parks Act

MR. SPOONER

EXPLANATORY NOTE

Conservation officers are added to the list of officers who have, in a provincial park, the power and authority of a member of the Ontario Provincial Police Force.

BILL 9

1961-62

An Act to amend The Provincial Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Provincial Parks Act* is amended by ^{R.S.O. 1960, c. 314, s. 9,} inserting after "ranger" in the second line "and conservation ^{amended} officer", so that the section shall read as follows:

9. In a provincial park, the district forester, superin- ^{Police} tendent or other person in charge and every forest ^{powers} ranger and conservation officer have all the power and authority of a member of the Ontario Provincial Police Force.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Provincial Parks Amend-* ^{Short title} *ment Act, 1961-62.*

An Act to amend
The Provincial Parks Act

1st Reading

November 24th, 1961

2nd Reading

3rd Reading

MR. SPOONER

BILL 9

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Provincial Parks Act

MR. SPOONER

BILL 9

1961-62

An Act to amend The Provincial Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Provincial Parks Act* is amended by ^{R.S.O. 1960, c. 314, s. 9, amended} inserting after "ranger" in the second line "and conservation officer", so that the section shall read as follows:

9. In a provincial park, the district forester, superintendent or other person in charge and every forest ranger and conservation officer have all the power and authority of a member of the Ontario Provincial Police Force. ^{Police powers}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Provincial Parks Amendment Act, 1961-62*. ^{Short title}

An Act to amend
The Provincial Parks Act

1st Reading

November 24th, 1961

2nd Reading

November 28th, 1961

3rd Reading

December 4th, 1961

MR. SPOONER

BILL 10

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Forest Fires Prevention Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment extends the group with which the Minister may make agreements respecting the prevention and control of forest fires to include Canada, other provinces of Canada, and Crown agencies.

Subsection 2. The subsection repealed is unnecessary.

BILL 10

1961-62

An Act to amend The Forest Fires Prevention Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 14 of *The Forest Fires Prevention Act* is amended by inserting after “and” in the first line “the Crown in right of Canada or any province of Canada, any agency of any of them”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 152, s. 14,
subs. 1,
amended

(1) The Minister and the Crown in right of Canada or any province of Canada, any agency of any of them, any municipality, any licensee under *The Crown Timber Act* or any owner or tenant of railway lands under *The Railway Fire Charge Act* may enter into an agreement with respect to the prevention and control of forest fires.

Agreements
for forest
fire pre-
vention and
control

R.S.O. 1960,
cc. 83, 343

(2) Subsection 2 of the said section 14 is repealed.

R.S.O. 1960,
c. 152, s. 14,
subs. 2,
repealed

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1961-62*.

Short title

An Act to amend
The Forest Fires Prevention Act

1st Reading

November 24th, 1961

2nd Reading

3rd Reading

MR. SPOONER

BILL 10

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Forest Fires Prevention Act

MR. SPOONER

BILL 10

1961-62

An Act to amend The Forest Fires Prevention Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 14 of *The Forest Fires Prevention Act* is amended by inserting after "and" in the first line "the Crown in right of Canada or any province of Canada, any agency of any of them", so that the subsection shall read as follows:

R.S.O. 1960,
c. 152, s. 14,
subs. 1,
amended

- (1) The Minister and the Crown in right of Canada or any province of Canada, any agency of any of them, any municipality, any licensee under *The Crown Timber Act* or any owner or tenant of railway lands under *The Railway Fire Charge Act* may enter into an agreement with respect to the prevention and control of forest fires.

Agreements
for forest
fire pre-
vention and
control

R.S.O. 1960,
cc. 83, 343

- (2) Subsection 2 of the said section 14 is repealed.

R.S.O. 1960,
c. 152, s. 14,
subs. 2,
repealed

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1961-62*.

Short title

An Act to amend
The Forest Fires Prevention Act

1st Reading

November 24th, 1961

2nd Reading

November 28th, 1961

3rd Reading

December 4th, 1961

MR. SPOONER

BILL 11

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Forestry Act

MR. SPOONER

EXPLANATORY NOTE

The amendment removes a Crown timber licensee from the definition of "owner".

BILL 11

1961-62

An Act to amend The Forestry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Forestry Act* is amended by striking out "and includes the holder of a licence under *The Crown Timber Act*" in the second and third lines, so that the clause shall read as follows: R.S.O. 1960,
c. 153, s. 1,
cl. c.
amended

(c) "owner" means a person having any right, title, interest or equity in land.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Forestry Amendment Act*, Short title
1961-62.

An Act to amend
The Forestry Act

1st Reading

November 24th, 1961

2nd Reading

3rd Reading

MR. SPOONER

BILL 11

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Forestry Act

MR. SPOONER

BILL 11

1961-62

An Act to amend The Forestry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Forestry Act* is amended by ^{R.S.O. 1960, c. 153, s. 1,} striking out "and includes the holder of a licence under *The* ^{cl. c,} *Crown Timber Act*" in the second and third lines, so that the ^{amended} clause shall read as follows:

(*c*) "owner" means a person having any right, title, interest or equity in land.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent.^{ment}

3. This Act may be cited as *The Forestry Amendment Act*, ^{Short title} 1961-62.

An Act to amend
The Forestry Act

1st Reading

November 24th, 1961

2nd Reading

November 28th, 1961

3rd Reading

December 4th, 1961

MR. SPOONER

BILL 12

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Fish Inspection Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment will authorize the making of regulations respecting the marketing of uninspected and sub-standard fish.

Subsection 2. Self-explanatory.

BILL 12

1961-62

An Act to amend The Fish Inspection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 13 of *The Fish Inspection Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 150, s. 13,
amended

(aa) prohibiting or regulating the marketing of fish that are not inspected or that are below any prescribed grade, quality or standard.

(2) The said section 13 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 150, s. 13,
amended

(2) Any regulation may be limited as to area, species of fish, time or otherwise. Application
of
regulations

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Fish Inspection Amendment Act, 1961-62*. Short title

An Act to amend
The Fish Inspection Act

1st Reading

November 24th, 1961

2nd Reading

3rd Reading

MR. SPOONER

BILL 12

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Fish Inspection Act

MR. SPOONER



BILL 12

1961-62

An Act to amend The Fish Inspection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 13 of *The Fish Inspection Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 150, s. 13,
amended

(aa) prohibiting or regulating the marketing of fish that are not inspected or that are below any prescribed grade, quality or standard.

(2) The said section 13 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 150, s. 13,
amended

(2) Any regulation may be limited as to area, species of fish, time or otherwise. Application
of
regulations

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Fish Inspection Amendment Act, 1961-62*. Short title

An Act to amend
The Fish Inspection Act

1st Reading

November 24th, 1961

2nd Reading

December 1st, 1961

3rd Reading

December 11th, 1961

MR. SPOONER

BILL 13

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Farm Products Marketing Act

MR. MACDONALD

EXPLANATORY NOTES

The purpose of this Bill is to restore the principle of producer control of local boards and marketing agencies by removing the powers of the Farm Products Marketing Board or the Lieutenant Governor in Council to intervene in their day-to-day operations as long as they are conforming with the regulations laid down for their general direction.

SECTION 1. Self-explanatory.

SECTION 2—Subsections 1 and 2. These amendments remove the power of the Lieutenant Governor in Council to establish, amend or revoke a plan without a plebiscite or its equivalent.

BILL 13

1961-62

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 137, s. 2,
re-enacted

2. The purpose and intent of this Act is to provide for the control by producers of the marketing within the Province of their farm products in accordance with the regulations, including the prohibition of such marketing in whole or in part. Purpose
of Act

2.—(1) Subsection 1 of section 6 of *The Farm Products Marketing Act* is amended by striking out "Notwithstanding section 5" in the first line, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,
c. 137, s. 6,
subs. 1,
amended

(1) The Lieutenant Governor in Council may make regulations, Regulations
re plans
and local
boards

.

(2) Clause *a* of subsection 1 of the said section 6 is amended by adding at the end thereof "pursuant to a plebiscite, or without a plebiscite where the producers have been voluntarily operating a marketing agency in connection with which the views of the majority of the producers are made apparent in a manner equivalent to a plebiscite", so that the clause shall read as follows: R.S.O. 1960,
c. 137, s. 6,
subs. 1, cl. a,
amended

(a) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of any farm product and constituting local boards to administer such plans pursuant to a plebiscite, or without a plebiscite where the producers have been voluntarily operating a marketing

agency in connection with which the views of the majority of the producers are made apparent in a manner equivalent to a plebiscite.

R.S.O. 1960,
c. 137, s. 6,
subs. 1, cl. *e*,
amended

(3) Clause *e* of subsection 1 of the said section 6 is amended by inserting after "affairs" in the second line "where the regulations do not meet the particular circumstances or needs of a local board", so that the clause shall read as follows:

- (*e*) prescribing by-laws for regulating the government of local boards and the conduct of their affairs where the regulations do not meet the particular circumstances or needs of a local board, but any local board may make by-laws not inconsistent with this Act, the regulations made under this clause or the regulations made under the plan under which the local board is established as amended from time to time.

R.S.O. 1960,
c. 137, s. 6,
subs. 1, cl. *f*,
re-enacted;
cl. *g*,
repealed

(4) Clauses *f* and *g* of subsection 1 of the said section 6 are repealed and the following substituted therefor:

- (*f*) dissolving a local board where the local board has become inactive or where it is not feasible to hold a plebiscite to establish the desires of the producers, on such terms as he deems proper.

R.S.O. 1960,
c. 137, s. 6,
amended

(5) The said section 6 is amended by adding thereto the following subsections:

Regulations
for dis-
solution of
local board
or market-
ing agency

- (1*a*) Notwithstanding any other Act, where an existing plan has been revoked as a result of a plebiscite held under subsection 3 or 4 of section 5, the Lieutenant Governor in Council may make regulations providing for,

- (*a*) the carrying out by the Board or a trustee of any or all of the powers of a local board or marketing agency;
- (*b*) the vesting of the assets of a local board or marketing agency in the Board or a trustee;
- (*c*) the disposing of any or all of the assets of a local board or marketing agency in such manner as is prescribed,

and, where any regulation made under this subsection is in conflict with any by-law of the local board or marketing agency, the regulation prevails.

Subsection 3. This amendment limits the power of the Lieutenant Governor in Council to prescribe by-laws for local boards to only those matters that require special treatment.

Subsection 4. The subject matter of the present clause *f*, which is repealed, is dealt with in the new subsection 1*a*. The present clause *g* limits the power to dissolve a local board to only those cases where the board has become inactive or it is not feasible to hold a plebiscite. It is replaced by the proposed clause *f*.

Subsection 5. The two new subsections replace clause *f* of subsection 1 of section 6 of the Act and limit the power to take over or wind up a local board or marketing agency to only those cases where a plebiscite is held and the plan rejected and where no new plan is approved or proposed.

SECTION 3. The paragraph repealed authorizes the Farm Products Marketing Board to make regulations requiring its approval for grants made by local boards.

SECTION 4—Subsection 1. Clause *a* of subsection 5 of section 9 of the Act is moved to subsection 3 of section 9 where its subject matter is more appropriate.

Subsection 2. The subsections repealed authorize the Farm Products Marketing Board to control the fixing of service charges by local boards and to control the scope of activity and objectives of local boards.

SECTION 5. This section confirms the Board's right to limit or revoke the powers of a local board, but removes the Board's power to interfere in the day-to-day exercise of those powers.

- (1b) Where an existing plan has been revoked as a result of a plebiscite held under subsection 3 or 4 of section 5 and there is reason to believe that the producers wish to establish another plan, no assets shall be disposed of under regulations made under clause *c* of subsection 1*a*, and any regulations made under clause *a* or *b* of subsection 1*a* are revoked upon the approval of another plan by plebiscite of the producers.
- Restriction on regulations where new plan proposed

3. Paragraph 14 of subsection 1 of section 8 of *The Farm Products Marketing Act* is repealed.

R.S.O. 1960, c. 137, s. 8, subs. 1, par. 14, repealed

4.—(1) Subsection 3 of section 9 of *The Farm Products Marketing Act* is amended by striking out “and” at the end of clause *e*, by adding “and” at the end of clause *f* and by adding thereto the following clause:

R.S.O. 1960, c. 137, s. 9, subs. 3, amended

- (g) any proposed changes in the purposes of the plan at least ten days before the proposed changes become effective.

(2) Subsections 4 and 5 of the said section 9 are repealed.

R.S.O. 1960, c. 137, s. 9, subss. 4, 5, repealed

5. Section 10 of *The Farm Products Marketing Act* is amended by striking out clauses *a* and *b* and inserting in lieu thereof “limit or remove the powers previously delegated to or vested in a local board or marketing agency”, so that the section shall read as follows:

R.S.O. 1960, c. 137, s. 10, amended

10. Where the Board delegates to a local board any of its powers or vests in a marketing agency powers to promote, regulate and control the marketing of a regulated product, the Board may, at any time, limit or remove the powers previously delegated to or vested in a local board or marketing agency.
- Limitation of powers of local board

6. This Act comes into force on the day it receives Royal Assent.

Commencement

7. This Act may be cited as *The Farm Products Marketing Amendment Act, 1961-62*.

Short title

An Act to amend
The Farm Products Marketing Act

1st Reading

November 27th, 1961

2nd Reading

3rd Reading

MR. MACDONALD

BILL 14

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Bailiffs Act, 1960-61

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1: This amendment is for the purpose of clarification and contains no change in principle.

SECTION 2:—Subsection 1. The amendment removes any possibility that the creditors referred to include those of the guarantor of a bond.

Subsection 2. The amendment allows the refunding to a guarantor of a bond that has been realized and paid by the guarantor.

BILL 14

1961-62

An Act to amend The Bailiffs Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Bailiffs Act, 1960-61* is repealed and the following substituted therefor: 1960-61,
c. 5, s. 4,
re-enacted

4. A bailiff may act as a bailiff in a county other than the county for which he is appointed if he first obtains the consent of a judge of the county court of the county in which he proposes to act. Consent of
county judge
for bailiff
to act

2.—(1) Subsection 2 of section 13 of *The Bailiffs Act, 1960-61* is amended by striking out "person bound by the bond" in the seventh line and inserting in lieu thereof "bailiff bonded", so that the subsection shall read as follows: 1960-61,
c. 5, s. 13,
subs. 2,
amended

(2) The Treasurer may,

Payment of
proceeds

- (a) assign any bond forfeited under section 12 and transfer the collateral security, if any;
- (b) pay over any money recovered under the bond; and
- (c) pay over any money realized from the sale of the collateral security,

to any judgment creditor of the bailiff bonded for claims arising out of the circumstance under which the bond was forfeited, or to the Accountant of the Supreme Court in trust for any person who becomes such judgment creditor.

(2) Subsection 3 of the said section 13 is amended by striking out "the person bound by the bond" in the sixth line and inserting in lieu thereof "any person who made a payment under the bond", so that the subsection shall read as follows: 1960-61,
c. 5, s. 13,
subs. 3,
amended

Idem

- (3) Where a bond has been forfeited or cancelled and the Treasurer has not received notice in writing of any claim against the proceeds of the bond or such part as remains in the hands of the Treasurer within two years of the forfeiture or cancellation, the Treasurer may pay the proceeds or part remaining to any person who made a payment under the bond.

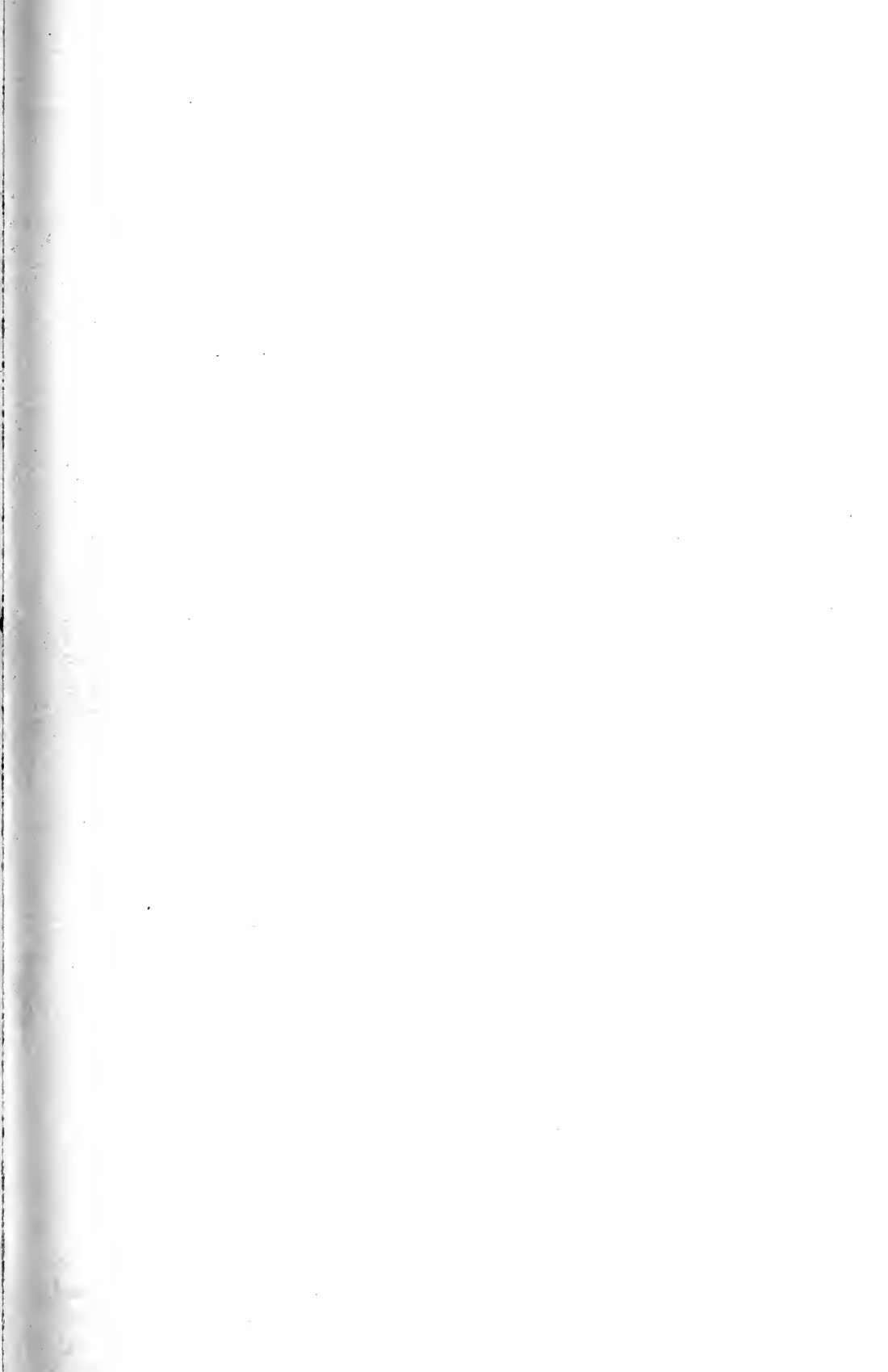
Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Bailiffs Amendment Act, 1961-62*.





An Act to amend
The Bailiffs Act, 1960-61

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

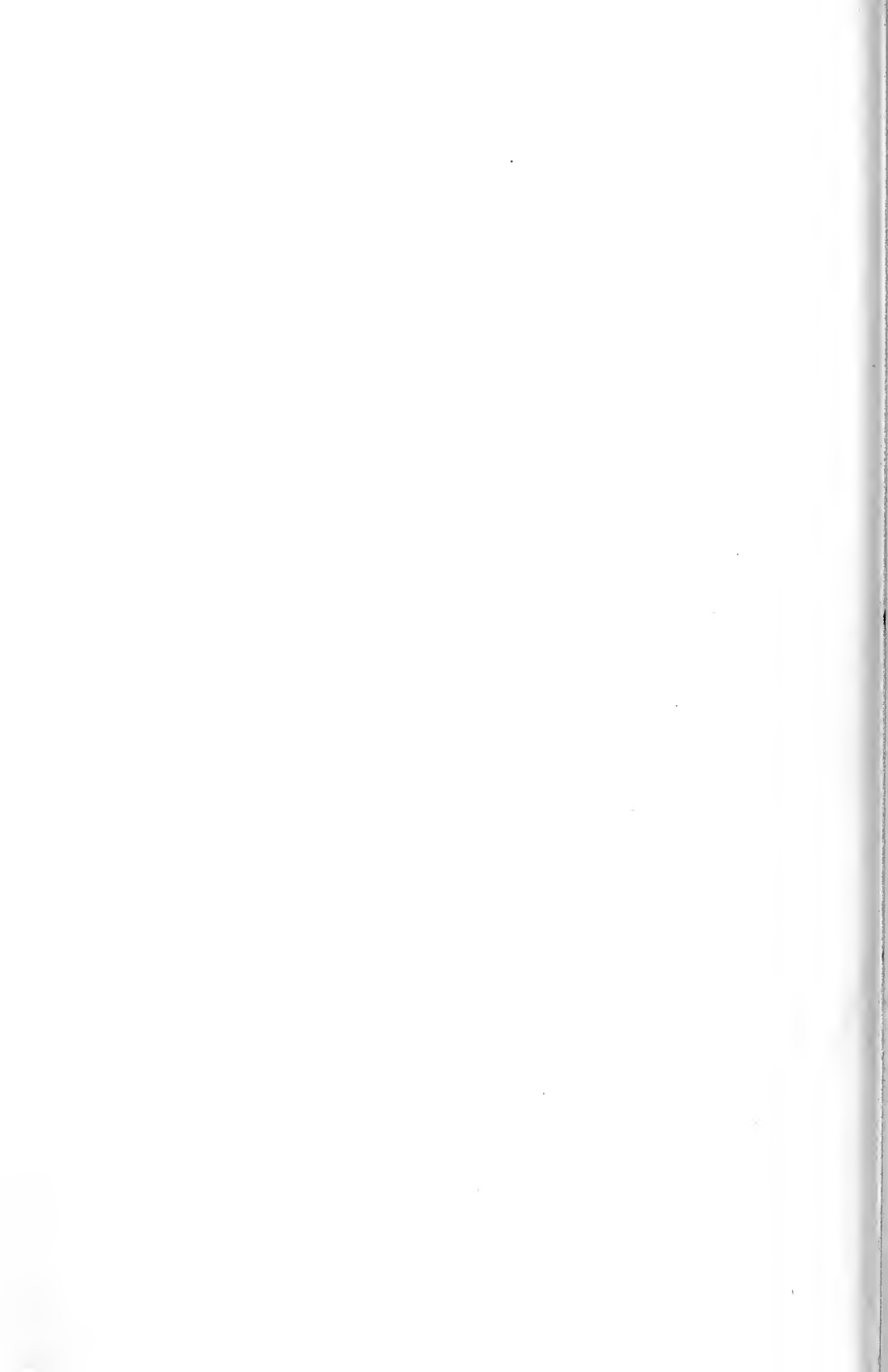
MR. ROBERTS

BILL 14

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Bailiffs Act, 1960-61

MR. ROBERTS



An Act to amend The Bailiffs Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Bailiffs Act, 1960-61* is repealed and the following substituted therefor: ^{1960-61, c. 5, s. 4, re-enacted}

4. A bailiff may act as a bailiff in a county other than the county for which he is appointed if he first obtains the consent of a judge of the county court to act ^{Consent of county judge for bailiff to act}

2.—(1) Subsection 2 of section 13 of *The Bailiffs Act, 1960-61* is amended by striking out "person bound by the bond" in the seventh line and inserting in lieu thereof "bailiff bonded", so that the subsection shall read as follows: ^{1960-61, c. 5, s. 13, subs. 2, amended}

(2) The Treasurer may,

Payment of proceeds

(a) assign any bond forfeited under section 12 and transfer the collateral security, if any;

(b) pay over any money recovered under the bond; and

(c) pay over any money realized from the sale of the collateral security,

to any judgment creditor of the bailiff bonded for claims arising out of the circumstance under which the bond was forfeited, or to the Accountant of the Supreme Court in trust for any person who becomes such judgment creditor.

(2) Subsection 3 of the said section 13 is amended by striking out "the person bound by the bond" in the sixth line and inserting in lieu thereof "any person who made a payment under the bond", so that the subsection shall read as follows: ^{1960-61, c. 5, s. 13, subs. 3, amended}

Idem

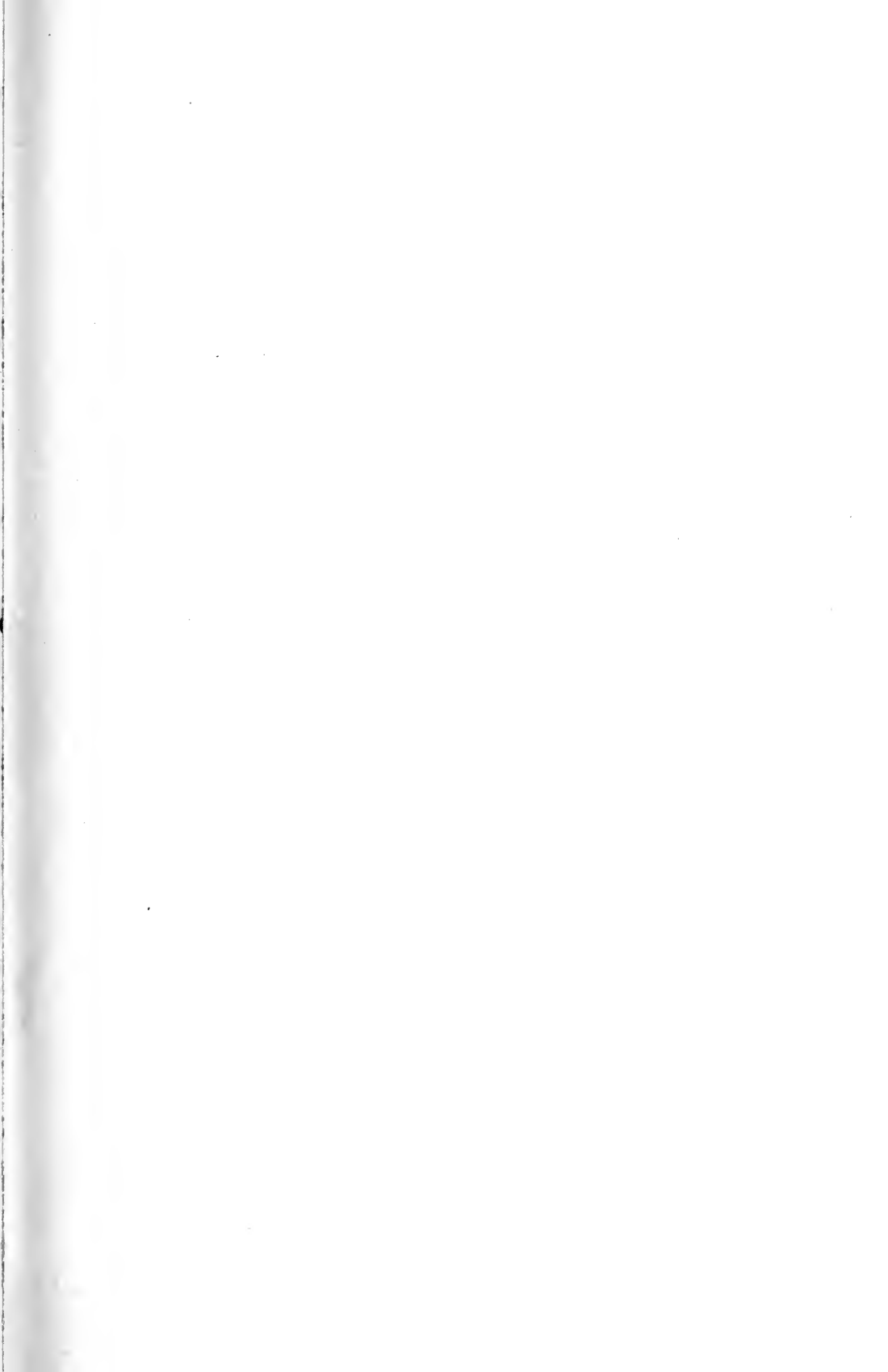
- (3) Where a bond has been forfeited or cancelled and the Treasurer has not received notice in writing of any claim against the proceeds of the bond or such part as remains in the hands of the Treasurer within two years of the forfeiture or cancellation, the Treasurer may pay the proceeds or part remaining to any person who made a payment under the bond.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Bailiffs Amendment Act, 1961-62*.





An Act to amend
The Bailiffs Act, 1960-61

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 15

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Coroners Act

MR. ROBERTS

EXPLANATORY NOTE

The purpose of this Bill is to allow a pathologist an extra fee of \$10 in cases in which he has engaged an assistant.

The present fee is \$50, whether or not an assistant has been engaged.

BILL 15

1961-62

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Item 1 of Schedule D to *The Coroners Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 69,
Sched. D,
item 1,
re-enacted

1. For a *post mortem* examination, \$50.00, and, where an assistant has been engaged, an additional \$10.00.

2. This Act may be cited as *The Coroners Amendment Act*, Short title 1961-62.

An Act to amend The Coroners Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 15

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Coroners Act

MR. ROBERTS

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The purpose of this Bill is to allow a pathologist an extra fee of \$10 in cases in which he has engaged an assistant.

The present fee is \$50, whether or not an assistant has been engaged.

BILL 15

1961-62

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Item 1 of Schedule D to *The Coroners Act* is repealed and the following substituted therefor:

R.S.O. 1960.
c. 69,
Sched. D,
item 1,
re-enacted

1. For a *post mortem* examination, \$50.00, and, where an assistant has been engaged, an additional \$10.00.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Coroners Amendment Act*, Short title 1961-62.

An Act to amend 'The Coroners Act

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee of the Whole House)

BILL 15

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Coroners Act

MR. ROBERTS



BILL 15

1961-62

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Item 1 of Schedule D to *The Coroners Act* is repealed and the following substituted therefor:

R.S.O. 1960.
c. 69,
Sched. D,
item 1,
re-enacted

1. For a *post mortem* examination, \$50.00, and, where an assistant has been engaged, an additional \$10.00.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Coroners Amendment Act*, 1961-62.

Short title

An Act to amend The Coroners Act

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 16

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Crown Attorneys Act

MR. ROBERTS

EXPLANATORY NOTE

This Bill provides up-to-date and appropriate titles for what has heretofore been known as the Office of Crown Attorney for the City of Toronto and the County of York.

BILL 16

1961-62

An Act to amend The Crown Attorneys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Crown Attorneys Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 82, s. 3,
re-enacted

3.—(1) The Lieutenant Governor in Council may appoint a Crown Attorney, a Deputy Crown Attorney and such assistant Crown attorneys as he deems necessary for The Municipality of Metropolitan Toronto and the County of York who shall be known respectively as the Crown Attorney, the Deputy Crown Attorney and the Assistant Crown Attorneys for Metropolitan Toronto and the County of York. Metropolitan
Toronto and
County
of York

(2) The Deputy Crown Attorney and the Assistant Crown Attorneys for Metropolitan Toronto and the County of York shall act under the direction of the Crown Attorney for Metropolitan Toronto and the County of York and when so acting shall have the like powers and perform the like duties as the Crown Attorney for Metropolitan Toronto and the County of York. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Crown Attorneys Amendment Act, 1961-62*. Short title

An Act to amend
The Crown Attorneys Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 16

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Crown Attorneys Act

MR. ROBERTS

BILL 16

1961-62

An Act to amend The Crown Attorneys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Crown Attorneys Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 82, s. 3,
re-enacted

3.—(1) The Lieutenant Governor in Council may appoint a Crown Attorney, a Deputy Crown Attorney and such assistant Crown attorneys as he deems necessary for The Municipality of Metropolitan Toronto and the County of York who shall be known respectively as the Crown Attorney, the Deputy Crown Attorney and the Assistant Crown Attorneys for Metropolitan Toronto and the County of York. Metropolitan
Toronto and
County
of York

(2) The Deputy Crown Attorney and the Assistant Idem Crown Attorneys for Metropolitan Toronto and the County of York shall act under the direction of the Crown Attorney for Metropolitan Toronto and the County of York and when so acting shall have the like powers and perform the like duties as the Crown Attorney for Metropolitan Toronto and the County of York.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Crown Attorneys Amendment Act, 1961-62*. Short title

An Act to amend
The Crown Attorneys Act

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 17

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Devolution of Estates Act

MR. ROBERTS

EXPLANATORY NOTE

This Bill is complementary to Bill 21, *The Legitimacy Act, 1961-62*. It transfers section 6 of *The Legitimation Act* to *The Devolution of Estates Act* as the section deals with devolution of property, not legitimacy.

BILL 17

1961-62

An Act to amend The Devolution of Estates Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 27 of *The Devolution of Estates Act* is amended by striking out “subsection 1 of section 6 of *The Legitimation Act*” in the first and second lines and inserting in lieu thereof “subsections 2 and 3”, so that subsection 1 of the said section shall read as follows:

(1) Subject to subsections 2 and 3, an illegitimate child or relative shall not share under any of the provisions of this Act. Effect of illegitimacy

(2) The said section 27 is further amended by adding thereto the following subsections: R.S.O. 1960, c. 106, s. 27, amended

(2) Where the mother of an illegitimate child dies intestate as respects all or any of her real or personal property and does not leave any legitimate issue surviving her, the illegitimate child, or, if he is dead, his issue, is entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate. Intestacy of mother of illegitimate child

(3) Where an illegitimate child dies intestate in respect of all or any of his real or personal property, his mother, if surviving, is entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent. Intestacy of illegitimate child

2. Section 30 of *The Devolution of Estates Act* is amended by striking out “Subject to subsection 2 of section 6 of *The Legitimation Act* and” in the first and second lines. R.S.O. 1960, c. 106, s. 30, amended

3. This Act comes into force on the 1st day of July, 1962. Commencement

4. This Act may be cited as *The Devolution of Estates Amendment Act, 1961-62*. Short title

An Act to amend
The Devolution of Estates Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 17

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Devolution of Estates Act

MR. ROBERTS



BILL 17

1961-62

An Act to amend The Devolution of Estates Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 27 of *The Devolution of Estates Act* is ^{R.S.O. 1960, c. 106, s. 27, amended} amended by striking out “subsection 1 of section 6 of *The Legitimation Act*” in the first and second lines and inserting in lieu thereof “subsections 2 and 3”, so that subsection 1 of the said section shall read as follows:

(1) Subject to subsections 2 and 3, an illegitimate child ^{Effect of illegitimacy} or relative shall not share under any of the provisions of this Act.

(2) The said section 27 is further amended by adding ^{R.S.O. 1960, c. 106, s. 27, amended} thereto the following subsections:

(2) Where the mother of an illegitimate child dies ^{Intestacy of mother of illegitimate child} intestate as respects all or any of her real or personal property and does not leave any legitimate issue surviving her, the illegitimate child, or, if he is dead, his issue, is entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.

(3) Where an illegitimate child dies intestate in respect ^{Intestacy of illegitimate child} of all or any of his real or personal property, his mother, if surviving, is entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent.

2. Section 30 of *The Devolution of Estates Act* is amended ^{R.S.O. 1960, c. 106, s. 30, amended} by striking out “Subject to subsection 2 of section 6 of *The Legitimation Act* and” in the first and second lines.

3. This Act comes into force on the 1st day of July, 1962. ^{Commencement}

4. This Act may be cited as *The Devolution of Estates* ^{Short title} *Amendment Act, 1961-62.*

An Act to amend
The Devolution of Estates Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 18

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Division Courts Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1—Subsection 1. The consolidation order procedures will only apply where there are more than two unsatisfied judgments instead of where there are two or more.

Subsection 2. The effect of this amendment is to abolish *ex parte* consolidation orders.

Subsection 3. Self-explanatory.

SECTION 2. Self-explanatory.

BILL 18

1961-62

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 156 of *The Division Courts Act* is amended by striking out “one division court judgment remains” in the second line and inserting in lieu thereof “two division court judgments remain”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 110, s. 156,
subs. 1,
amended

(1) A judgment debtor against whom more than two division court judgments remain unsatisfied in whole or in part may apply to the judge of the court of the division in which he resides for a consolidation order.

Application
for consoli-
dation order

(2) Subsection 3 of the said section 156 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 110, s. 156,
subs. 3,
re-enacted

(3) Upon the application, the judgment debtor shall file an affidavit setting forth that the creditors mentioned in clause *a* of subsection 2 have been given, by mail, at least eight days' notice of the hearing of the application.

Idem

(3a) Upon the application, the judge may make a consolidation order or dismiss the application.

Disposition
of
application

(3) The said section 156 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 110, s. 156,
amended

(4a) Where the amounts ordered to be paid under subsection 4 have been varied because of extenuating or other special circumstances, such amounts shall not be less than 10 per cent of the average weekly income of the judgment debtor.

Idem

2.—(1) Section 161 of *The Division Courts Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 110, s. 161,
amended

Notice of
termination

(2a) Where a consolidation order has been terminated under subsection 2, the clerk of the court shall notify, by mail, the judgment creditors named in the order of its termination.

R.S.O. 1960,
c. 110, s. 161,
subs. 3,
amended

(2) Subsection 3 of the said section 161 is amended by striking out "three months" in the third line and inserting in lieu thereof "one year", so that the subsection shall read as follows:

Stay for
one year

(3) Where a consolidation order has terminated under subsection 2, no further consolidation order shall be made in respect of such judgment debtor for a period of one year from the date of such termination.

R.S.O. 1960,
c. 110, s. 163,
subs. 2,
amended

3. Subsection 2 of section 163 of *The Division Courts Act* is amended by striking out "three" in the third line and inserting in lieu thereof "six", so that the subsection shall read as follows:

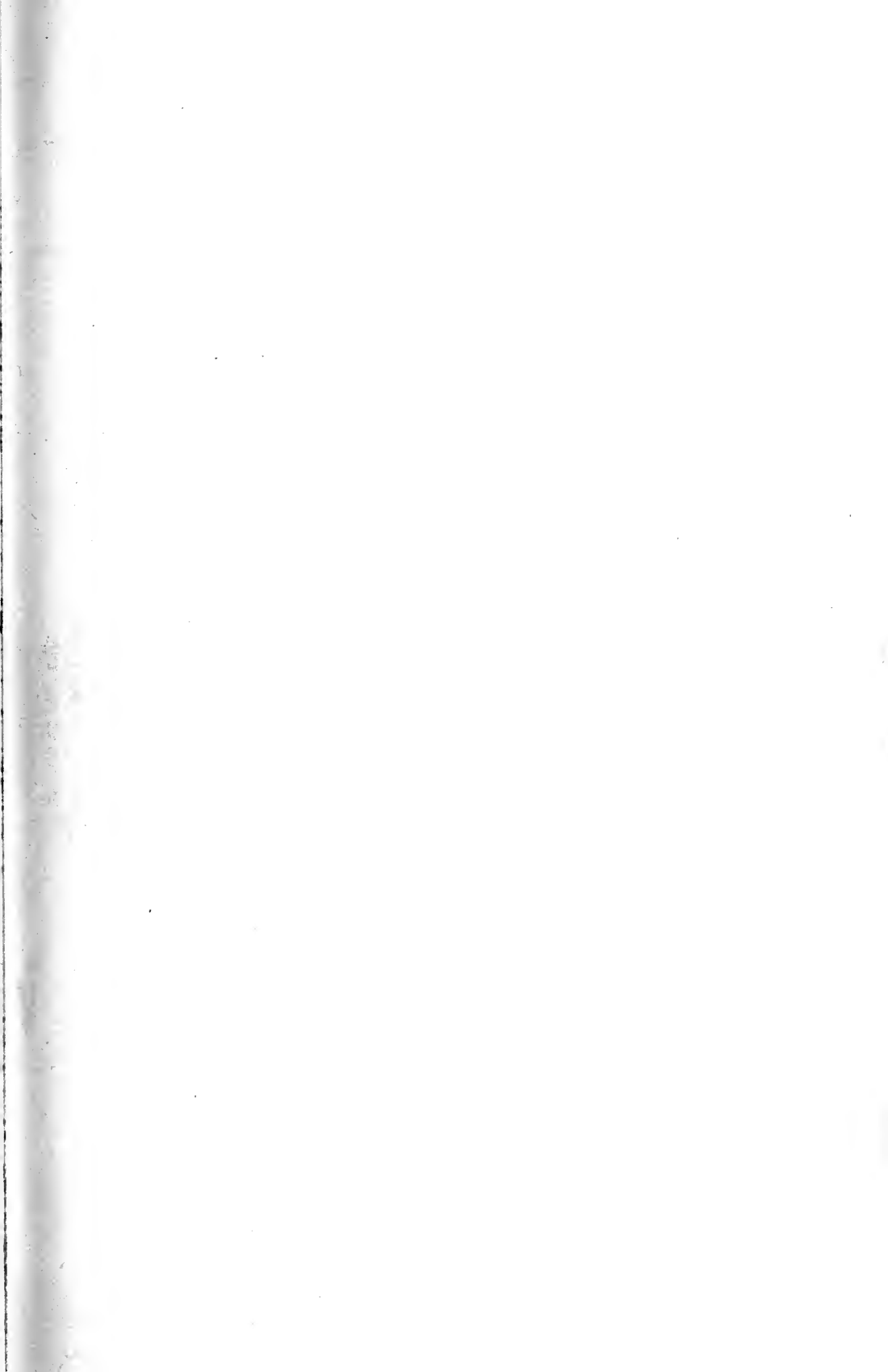
Distribution

(2) The clerk shall distribute the moneys paid into the consolidation account on account of the judgments at least once every six months, and at the time of distribution shall send to each creditor a distribution sheet showing the total amount paid and the distribution thereof.

Short title

4. This Act may be cited as *The Division Courts Amendment Act, 1961-62.*

SECTION 3. Self-explanatory.



An Act to amend
The Division Courts Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 18

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Division Courts Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTES

SECTION 1—Subsection 1. The consolidation order procedures will only apply where there are more than two unsatisfied judgments instead of where there are two or more.

Subsection 2. The effect of this amendment is to abolish *ex parte* consolidation orders.

Subsection 3. Self-explanatory.

BILL 18

1961-62

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 156 of *The Division Courts Act* is amended by striking out “one division court judgment remains” in the second line and inserting in lieu thereof “two division court judgments remain”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 110, s. 156,
subs. 1,
amended

(1) A judgment debtor against whom more than two division court judgments remain unsatisfied in whole or in part may apply to the judge of the court of the division in which he resides for a consolidation order.

Application
for consoli-
dation order

(2) Subsection 3 of the said section 156 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 110, s. 156
subs. 3,
re-enacted

(3) Notice of the time and place of the hearing of the application shall be given by the judgment debtor to the creditors mentioned in clause *a* of subsection 2 by registered mail or personal service at least eight days before the day fixed for the hearing, and, upon the hearing, the judgment debtor shall file an affidavit setting forth that such creditors have been given such notice.

Idem

(3a) Upon the application, the judge may make a consolidation order or dismiss the application.

Disposition
of
application

(3) The said section 156 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 110, s. 156
amended

(4a) Where the amounts ordered to be paid under sub-section 4 have been varied because of extenuating or other special circumstances, such amounts shall not be less than 10 per cent of the average weekly income of the judgment debtor.

Idem

R.S.O. 1960,
c. 110, s. 161
amended

2.—(1) Section 161 of *The Division Courts Act* is amended by adding thereto the following subsection:

Notice of
termination

(2a) Where a consolidation order has been terminated under subsection 2, the clerk of the court shall notify, by mail, the judgment creditors named in the order of its termination.

R.S.O. 1960,
c. 110, s. 161,
subs. 3,
amended

(2) Subsection 3 of the said section 161 is amended by striking out "three months" in the third line and inserting in lieu thereof "one year", so that the subsection shall read as follows:

Stay for
one year

(3) Where a consolidation order has terminated under subsection 2, no further consolidation order shall be made in respect of such judgment debtor for a period of one year from the date of such termination.

R.S.O. 1960,
c. 110, s. 163,
subs. 2,
amended

3. Subsection 2 of section 163 of *The Division Courts Act* is amended by striking out "three" in the third line and inserting in lieu thereof "six", so that the subsection shall read as follows:

Distribution

(2) The clerk shall distribute the moneys paid into the consolidation account on account of the judgments at least once every six months, and at the time of distribution shall send to each creditor a distribution sheet showing the total amount paid and the distribution thereof.

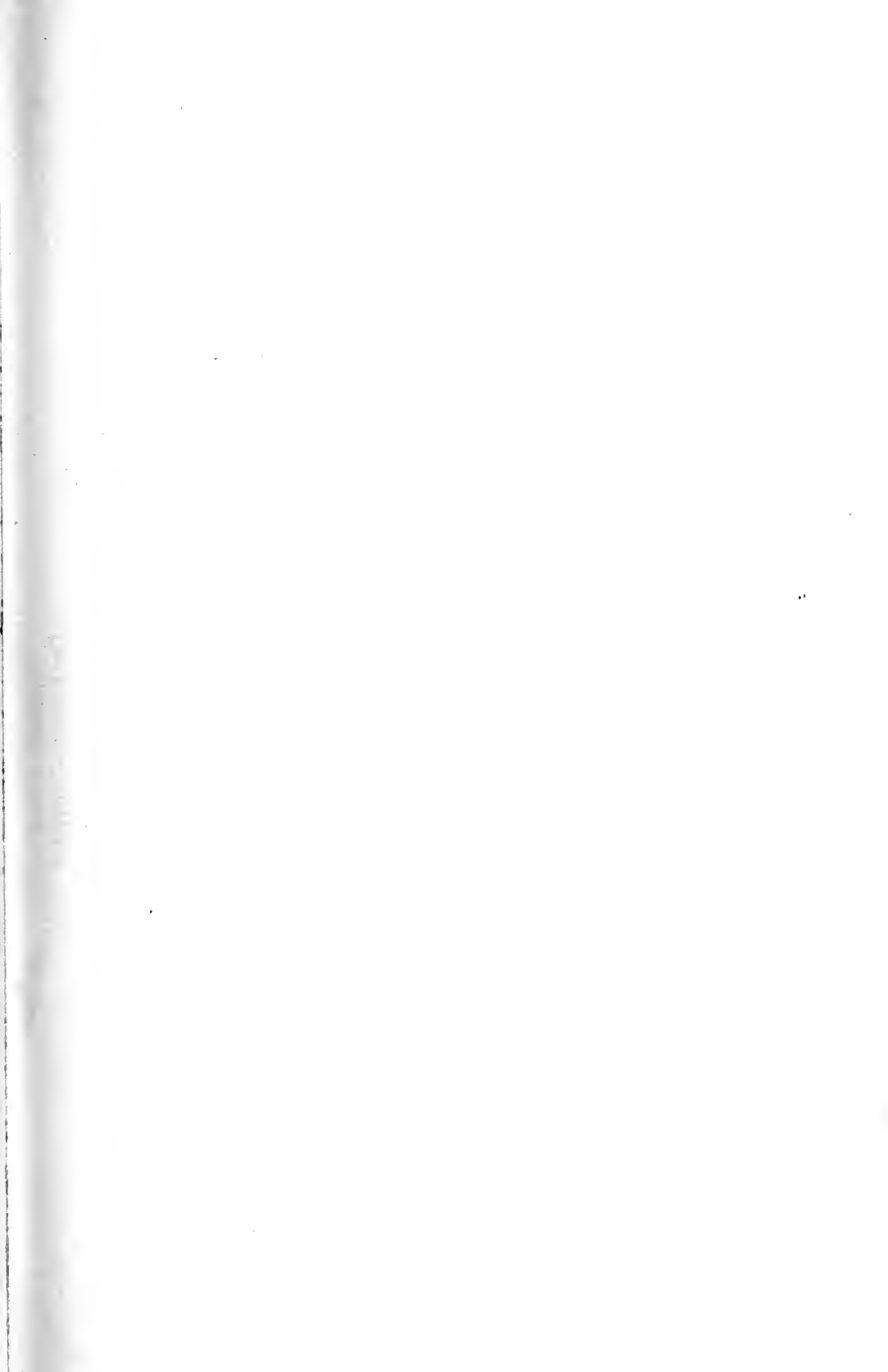
Short title

4. This Act may be cited as *The Division Courts Amendment Act, 1961-62*.

SECTION 2. Self-explanatory.

SECTION 3. Self-explanatory.





An Act to amend
The Division Courts Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

MR. ROBERTS

(*Reprinted as amended by the
Committee on Legal Bills*)

BILL 18

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Division Courts Act

MR. ROBERTS

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1—Subsection 1. The consolidation order procedures will only apply where there are more than two unsatisfied judgments instead of where there are two or more.

Subsection 2. The effect of this amendment is to abolish *ex parte* consolidation orders.

Subsection 3. Self-explanatory.

BILL 18

1961-62

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 156 of *The Division Courts Act* is amended by striking out “one division court judgment remains” in the second line and inserting in lieu thereof “two division court judgments remain”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 110, s. 156,
subs. 1,
amended

- (1) A judgment debtor against whom more than two division court judgments remain unsatisfied in whole or in part may apply to the judge of the court of the division in which he resides for a consolidation order.

Application
for consoli-
dation order

(2) Subsection 3 of the said section 156 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 110, s. 156,
subs. 3,
re-enacted

- (3) Notice of the time and place of the hearing of the application shall be given by the judgment debtor to the creditors mentioned in clause *a* of subsection 2 by registered mail or personal service at least eight days before the day fixed for the hearing, and, upon the hearing, the judgment debtor shall file an affidavit setting forth that such creditors have been given such notice.

Idem

- (3a) Upon the application, the judge may make a consolidation order or dismiss the application.

Disposition
of
application

(3) The said section 156 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 110, s. 156,
amended

- (4a) Where the amounts ordered to be paid under subsection 4 have been varied because of extenuating or other special circumstances, such amounts shall not be less than 10 per cent of the average weekly income of the judgment debtor.

Idem

R.S.O. 1960,
c. 110, s. 161,
amended

2.—(1) Section 161 of *The Division Courts Act* is amended by adding thereto the following subsection:

Notice of
termination

(2a) Where a consolidation order has been terminated under subsection 2, the clerk of the court shall notify, by mail, the judgment creditors named in the order of its termination.

R.S.O. 1960,
c. 110, s. 161,
subs. 3,
amended

(2) Subsection 3 of the said section 161 is amended by striking out "three months" in the third line and inserting in lieu thereof "one year", so that the subsection shall read as follows:

Stay for
one year

(3) Where a consolidation order has terminated under subsection 2, no further consolidation order shall be made in respect of such judgment debtor for a period of one year from the date of such termination.

R.S.O. 1960,
c. 110, s. 163,
subs. 2,
amended

3. Subsection 2 of section 163 of *The Division Courts Act* is amended by striking out "three" in the third line and inserting in lieu thereof "six", so that the subsection shall read as follows:

Distribution

(2) The clerk shall distribute the moneys paid into the consolidation account on account of the judgments at least once every six months, and at the time of distribution shall send to each creditor a distribution sheet showing the total amount paid and the distribution thereof.

Commence-
ment

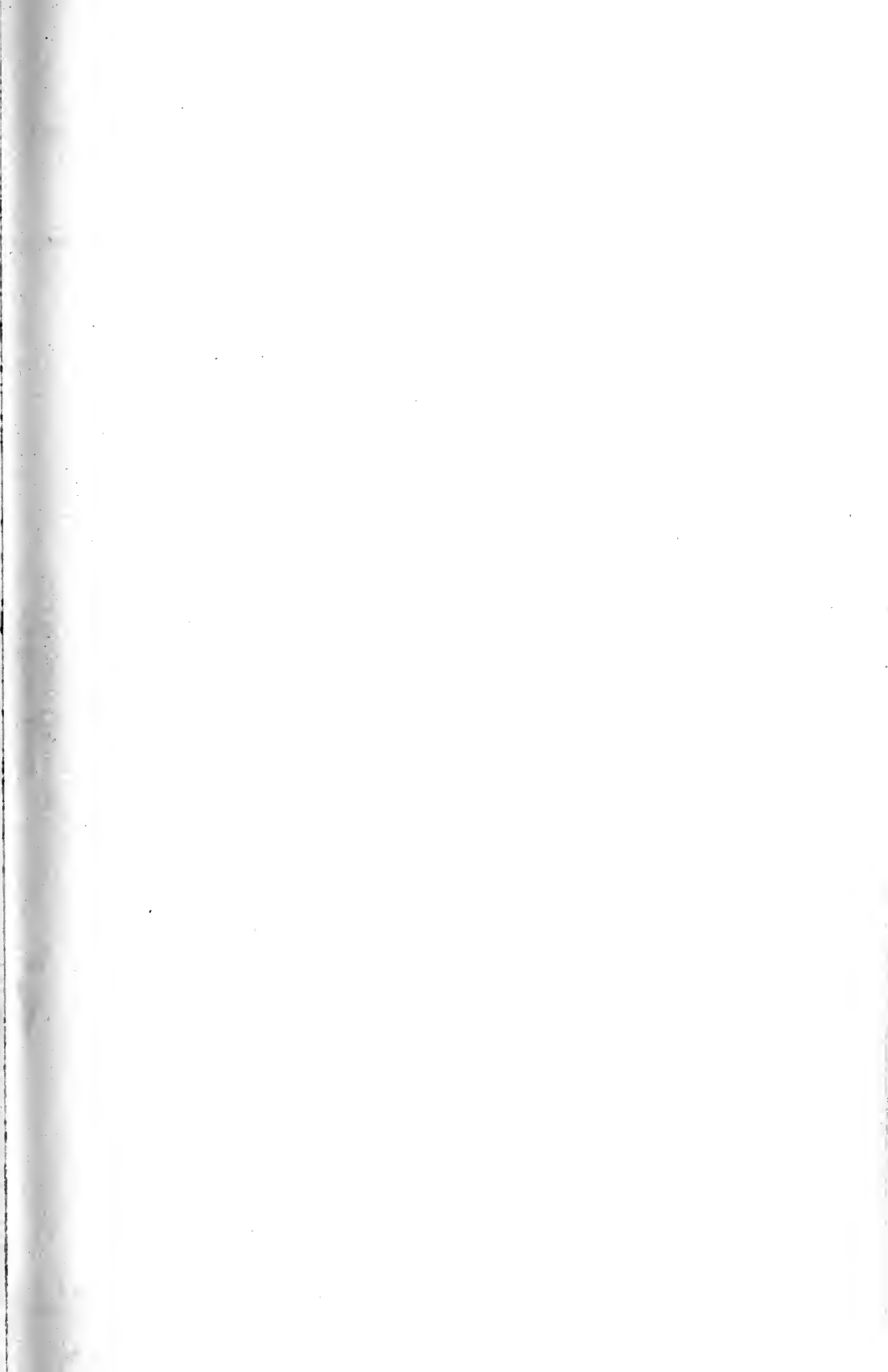
4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Division Courts Amendment Act, 1961-62*.

SECTION 2. Self-explanatory.

SECTION 3. Self-explanatory.



An Act to amend
The Division Courts Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

MR. ROBERTS

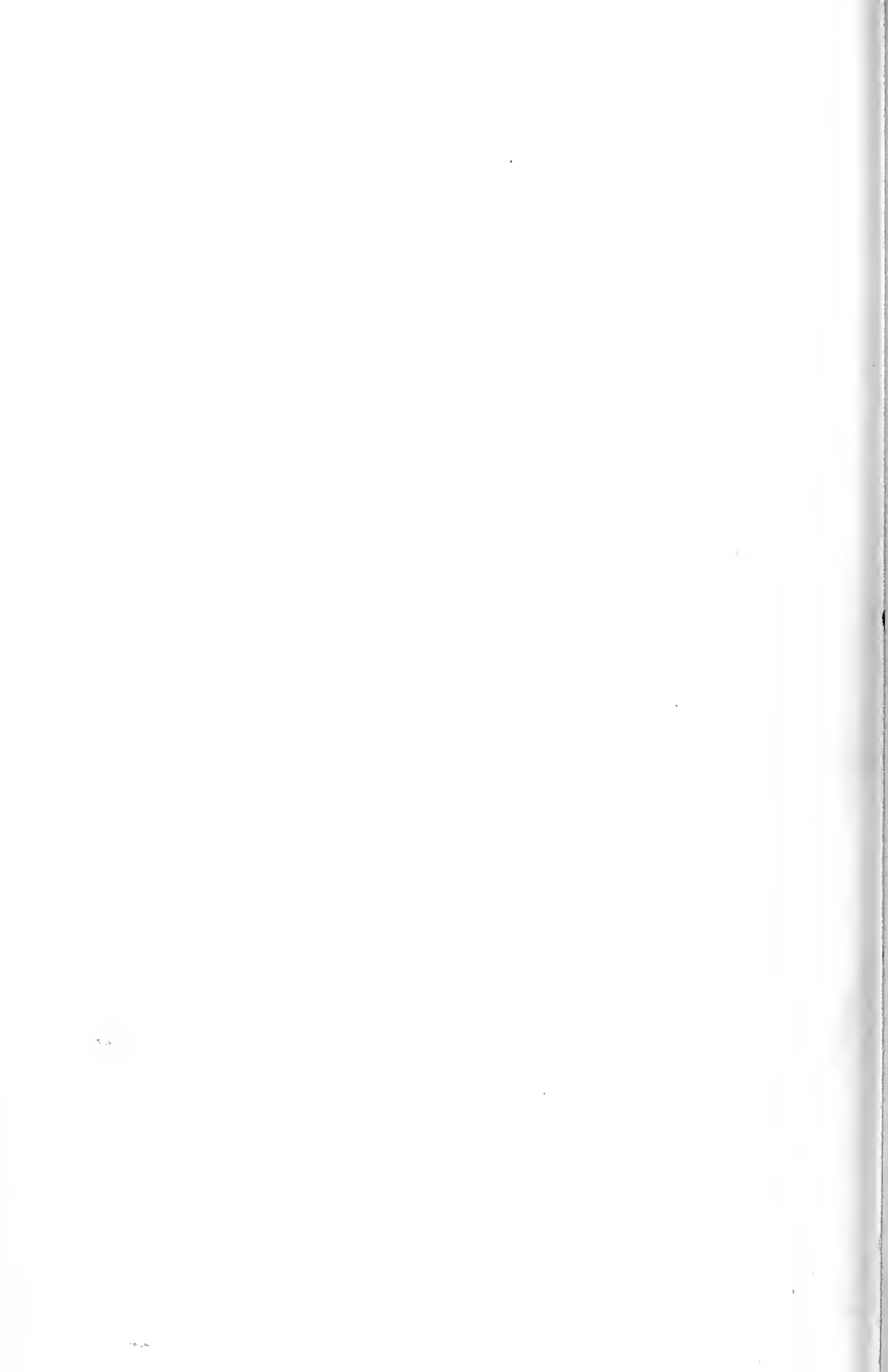
(Reprinted as amended by the
Committee of the Whole House)

BILL 18

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Division Courts Act

MR. ROBERTS



BILL 18

1961-62

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 156 of *The Division Courts Act* is amended by striking out “one division court judgment remains” in the second line and inserting in lieu thereof “two division court judgments remain”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 110, s. 156,
subs. 1,
amended

(1) A judgment debtor against whom more than two division court judgments remain unsatisfied in whole or in part may apply to the judge of the court of the division in which he resides for a consolidation order.

Application
for consoli-
dation order

(2) Subsection 3 of the said section 156 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 110, s. 156,
subs. 3,
re-enacted

(3) Notice of the time and place of the hearing of the application shall be given by the judgment debtor to the creditors mentioned in clause *a* of subsection 2 by registered mail or personal service at least eight days before the day fixed for the hearing, and, upon the hearing, the judgment debtor shall file an affidavit setting forth that such creditors have been given such notice.

Idem

(3a) Upon the application, the judge may make a consolidation order or dismiss the application.

Disposition
of
application

(3) The said section 156 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 110, s. 156,
amended

(4a) Where the amounts ordered to be paid under subsection 4 have been varied because of extenuating or other special circumstances, such amounts shall not be less than 10 per cent of the average weekly income of the judgment debtor.

Idem

R.S.O. 1960,
c. 110, s. 161,
amended

2.—(1) Section 161 of *The Division Courts Act* is amended by adding thereto the following subsection:

Notice of
termination

(2a) Where a consolidation order has been terminated under subsection 2, the clerk of the court shall notify, by mail, the judgment creditors named in the order of its termination.

R.S.O. 1960,
c. 110, s. 161,
subs. 3,
amended

(2) Subsection 3 of the said section 161 is amended by striking out "three months" in the third line and inserting in lieu thereof "one year", so that the subsection shall read as follows:

Stay for
one year

(3) Where a consolidation order has terminated under subsection 2, no further consolidation order shall be made in respect of such judgment debtor for a period of one year from the date of such termination.

R.S.O. 1960,
c. 110, s. 163,
subs. 2,
amended

3. Subsection 2 of section 163 of *The Division Courts Act* is amended by striking out "three" in the third line and inserting in lieu thereof "six", so that the subsection shall read as follows:

Distribution

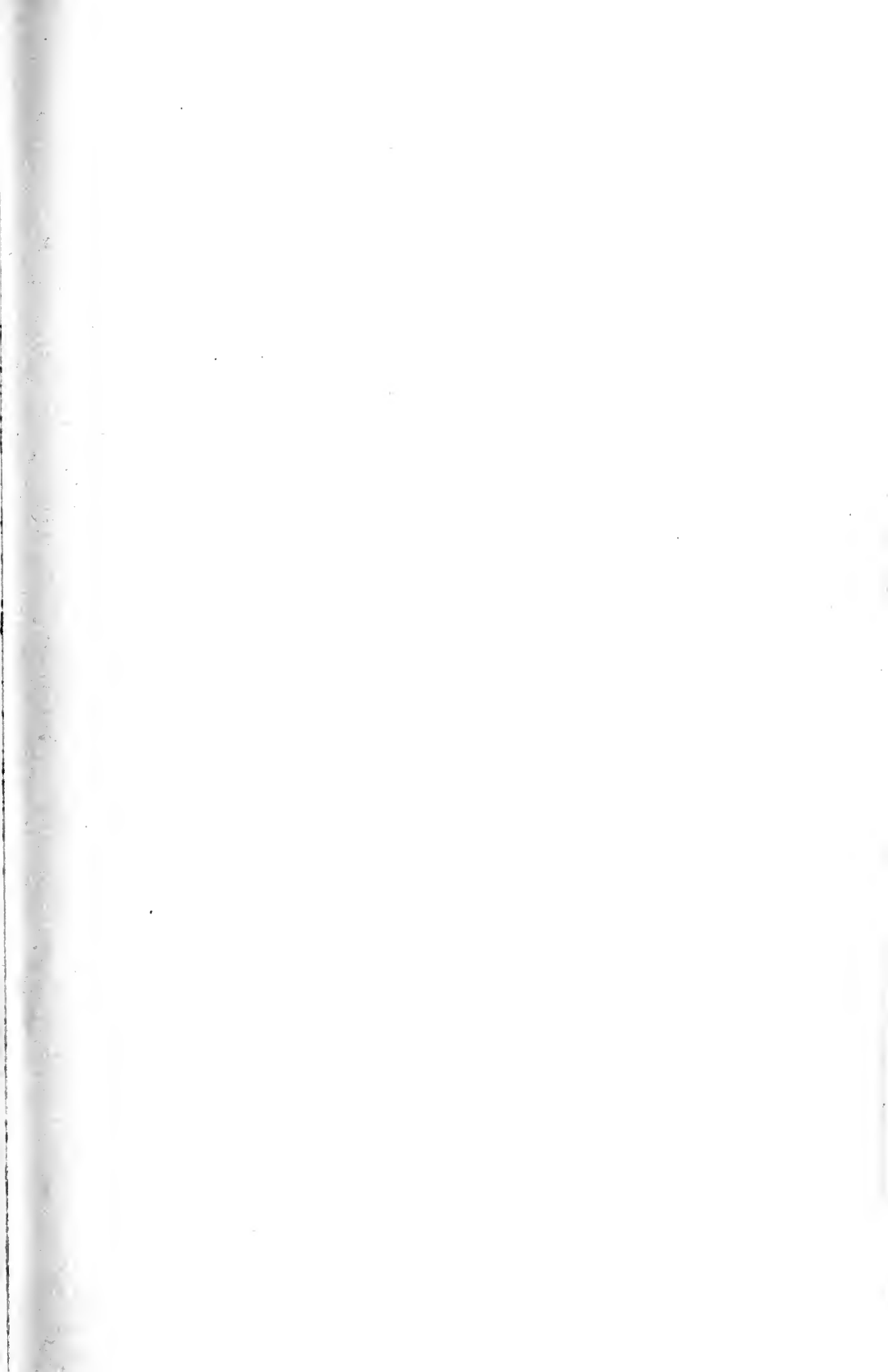
(2) The clerk shall distribute the moneys paid into the consolidation account on account of the judgments at least once every six months, and at the time of distribution shall send to each creditor a distribution sheet showing the total amount paid and the distribution thereof.

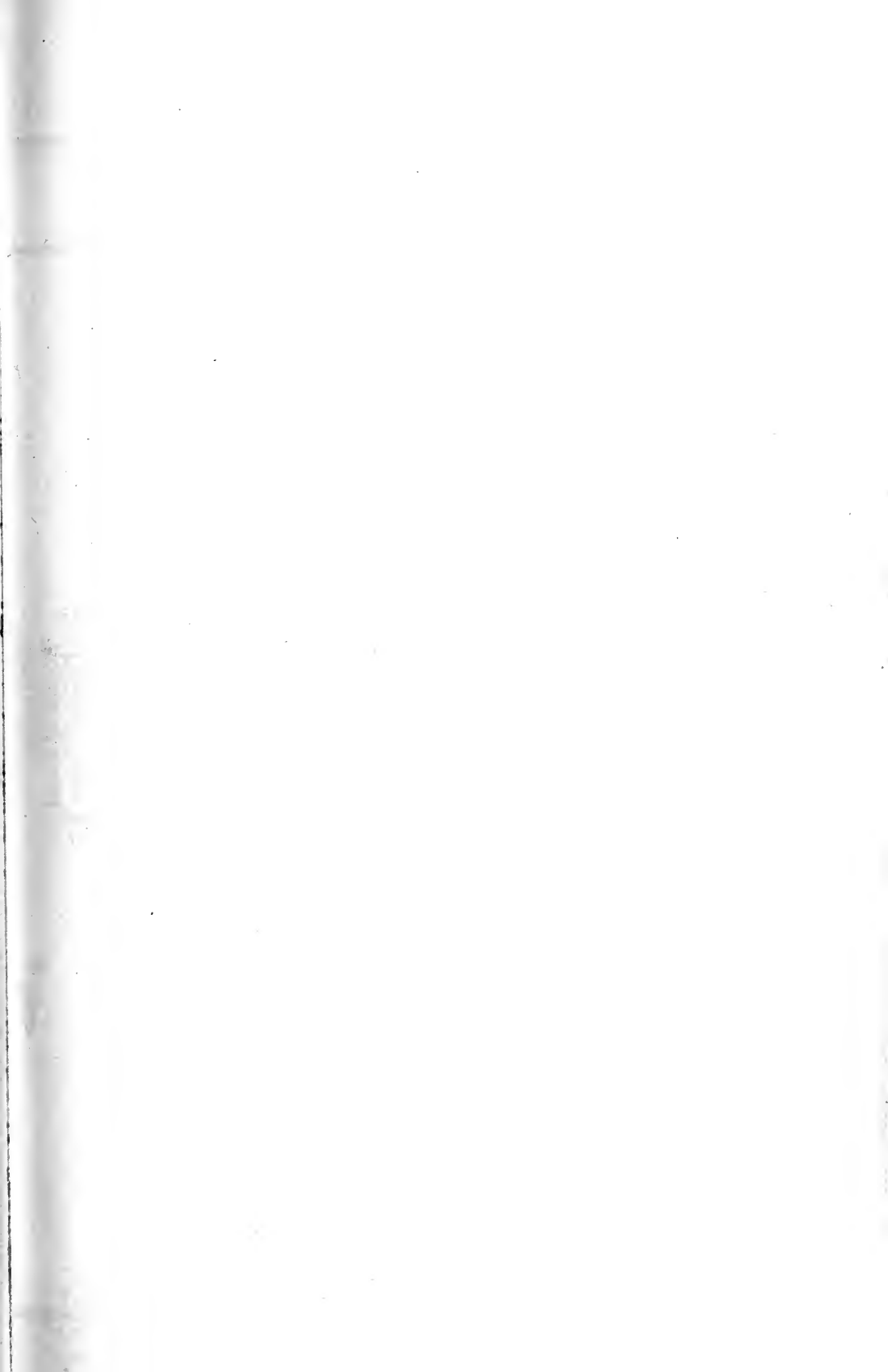
Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Division Courts Amendment Act, 1961-62.*





An Act to amend
The Division Courts Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

December 15th, 1961

Mr. ROBERTS

BILL 19

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Fire Marshals Act

MR. ROBERTS

EXPLANATORY NOTE

The purpose of this Bill is to authorize appropriate steps to be taken for the efficient functioning of municipal fire departments in the event of an emergency as defined.

It is similar in principle to legislation passed last session with respect to police forces (Statutes of Ontario, 1960-61, chapter 77).

BILL 19

1961-62

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Fire Marshals Act* is amended by re-^{R.S.O. 1960,} lettering clauses *a* and *b* as clauses *e* and *f* and by adding ^{c. 148, s. 1,} thereto the following clauses: ^{amended}

(a) "emergency" means,

(i) a real or apprehended war, invasion or insurrection proclaimed to exist under the *War* ^{R.S.C. 1952,} ^{c. 288} *Measures Act* (Canada), or

(ii) a natural emergency declared to exist under section 3a;

(b) "fire department" means a fire department organized under *The Municipal Act* and equipped with one or ^{R.S.O. 1960,} ^{c. 249} more motorized fire pumps;

(c) "Fire Marshal" means the Fire Marshal of Ontario;

(d) "member" means,

(i) a person regularly employed in a fire department on a full-time salary basis and assigned exclusively to fire protection or fire prevention duties and includes officers and technicians, or

(ii) a person who voluntarily acts as a fire fighter for a nominal consideration or honorarium, or

(iii) a person who has been appointed as an auxiliary member of a fire department.

R.S.O. 1960, c. 148, amended **2.** *The Fire Marshals Act* is amended by adding thereto the following section:

Declaration
of natural
emergency

3a.—(1) A minister designated by the Lieutenant Governor in Council for the purpose may declare a natural emergency to exist during the time and in the part of Ontario that he designates.

Appointment
of auxiliary
fire
fighters
R.S.O. 1960,
c. 249

(2) An authority empowered by *The Municipal Act* to appoint members of a fire department may appoint a number of auxiliary members not exceeding the number of other members of the fire department.

Duty of
Fire
Marshal

(3) Where an emergency exists, the Fire Marshal has general command and control of all fire departments and the members thereof.

Resignations
R.S.C. 1952,
c. 184

(4) Subject to sections 34 and 35 of the *National Defence Act* (Canada), during an emergency no member of a fire department in the area in which the emergency exists shall resign without the consent of the Fire Marshal.

Appoint-
ments, re-
muneration
and
expenses ■

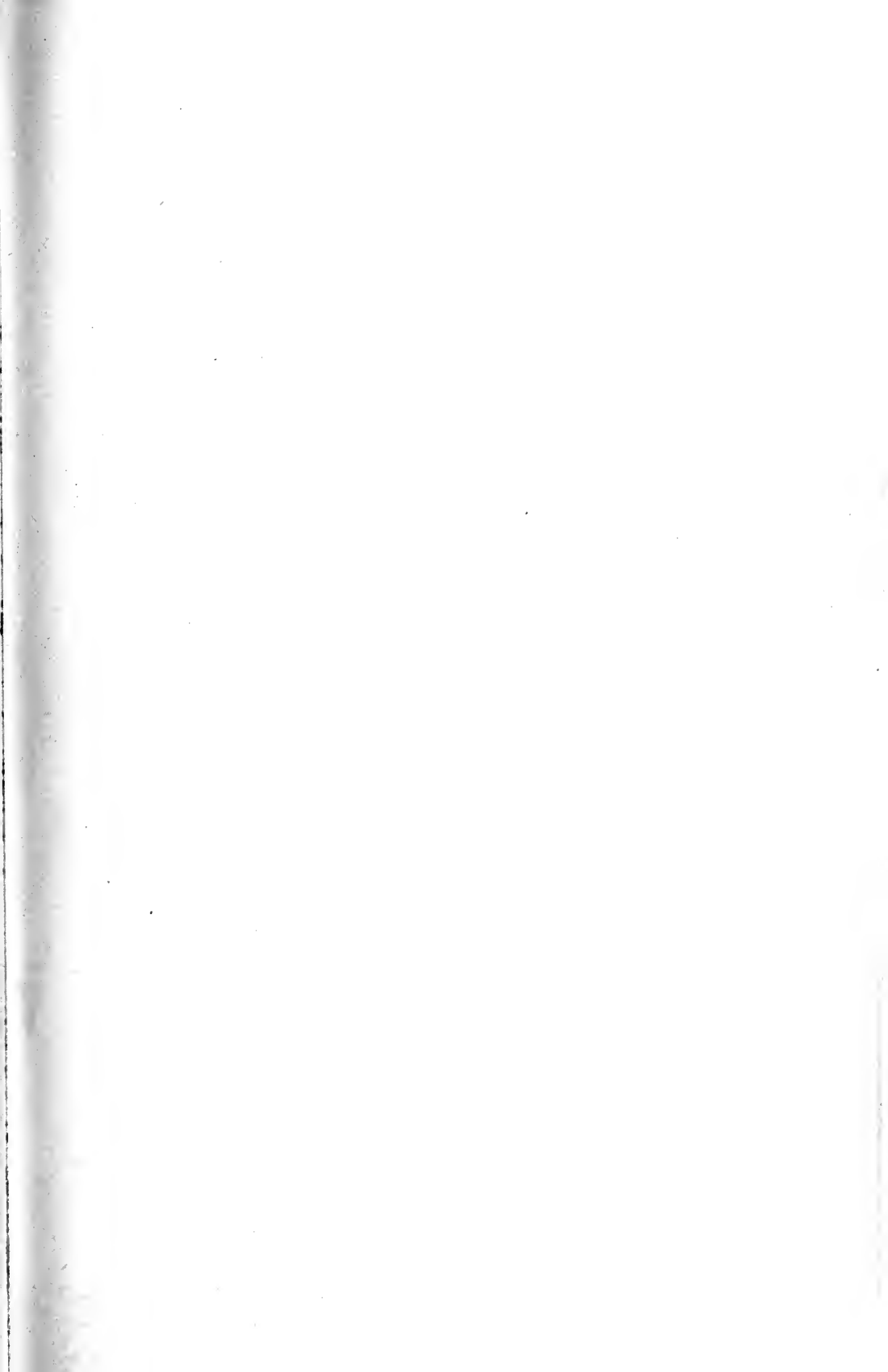
(5) The Lieutenant Governor in Council may appoint such persons as he deems necessary, who shall function under the direction and control of the Fire Marshal and shall receive such remuneration and expenses as are fixed by the Lieutenant Governor in Council.

Agreements
for addi-
tional fire
services

(6) The Attorney General may make agreements with the Crown in right of Canada or in right of any province or with any state of the United States of America or any agency of any such province or state with respect to fire services in any area in which an emergency exists.

Short title

2. This Act may be cited as *The Fire Marshals Amendment Act, 1961-62*.







An Act to amend
The Fire Marshals Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 19

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Fire Marshals Act

MR. ROBERTS

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The purpose of this Bill is to authorize appropriate steps to be taken for the efficient functioning of municipal fire departments in the event of an emergency as defined.

It is similar in principle to legislation passed last session with respect to police forces (Statutes of Ontario, 1960-61, chapter 77).

BILL 19

1961-62

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Fire Marshals Act* is amended by re-^{R.S.O. 1960,} lettering clauses *a* and *b* as clauses *e* and *f* and by adding ^{c. 148, s. 1,} thereto the following clauses: ^{amended}

(a) "emergency" means,

(i) a real or apprehended war, invasion or insurrection proclaimed to exist under the *War Measures Act* (Canada), or ^{R.S.C. 1952,} ^{c. 288}

(ii) a natural emergency declared to exist under section 3a;

(b) "fire department" means a fire department organized under *The Municipal Act* and equipped with one or more motorized fire pumps; ^{R.S.O. 1960,} ^{c. 249}

(c) "Fire Marshal" means the Fire Marshal of Ontario;

(d) "member" means,

(i) a person regularly employed in a fire department on a full-time salary basis and assigned exclusively to fire protection or fire prevention duties and includes officers and technicians, or

(ii) a person who voluntarily acts as a fire fighter for a nominal consideration or honorarium, or

(iii) a person who has been appointed as an auxiliary member of a fire department.

R.S.O. 1960, c. 148, amended **2.** *The Fire Marshals Act* is amended by adding thereto the following section:

Declaration of natural emergency

3a.—(1) A minister designated by the Lieutenant Governor in Council for the purpose may declare a natural emergency to exist during the time and in the part of Ontario that he designates.

Appointment of auxiliary fire fighters
R.S.O. 1960, c. 249

(2) An authority empowered by *The Municipal Act* to appoint members of a fire department may appoint a number of auxiliary members not exceeding the number of other members of the fire department.

Duty of Fire Marshal

(3) Where an emergency exists, the Fire Marshal has general command and control of all fire departments and the members thereof.

Resignations
R.S.C. 1952, c. 184

(4) Subject to sections 34 and 35 of the *National Defence Act* (Canada), during an emergency no member of a fire department in the area in which the emergency exists shall resign without the consent of the Fire Marshal.

Appointments, remuneration and expenses

(5) The Lieutenant Governor in Council may appoint such persons as he deems necessary, who shall function under the direction and control of the Fire Marshal and shall receive such remuneration and expenses as are fixed by the Lieutenant Governor in Council.

Agreements for additional fire services

(6) The Attorney General may make agreements with the Crown in right of Canada or in right of any province or with any state of the United States of America or any agency of any such province or state with respect to fire services in any area in which an emergency exists.

Workmen's compensation not affected
R.S.O. 1960, c. 437

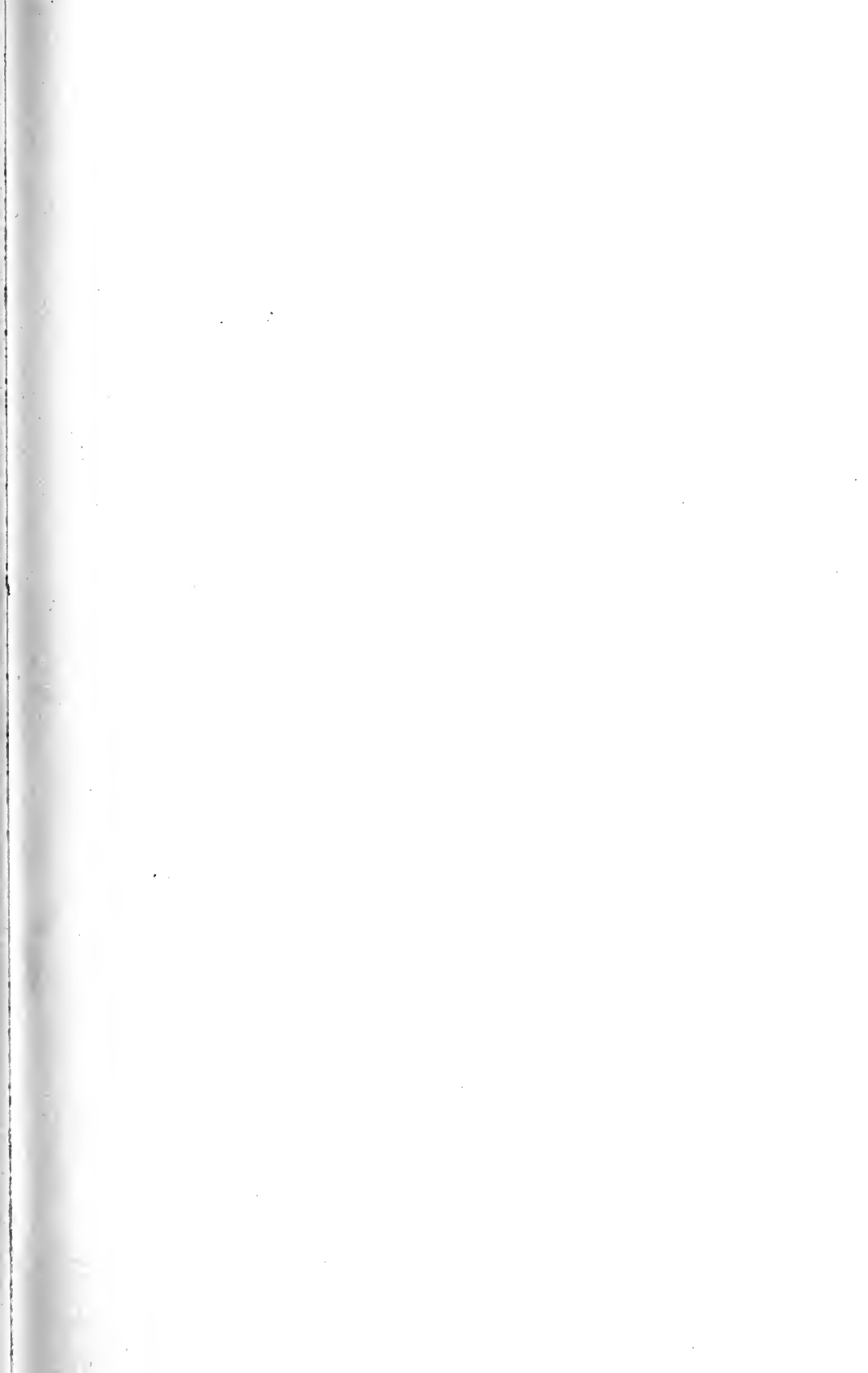
(7) The relationship between a member of a fire department and the municipality by which he is employed continues for the purposes of *The Workmen's Compensation Act* as if this section had not been passed.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Fire Marshals Amendment Act, 1961-62*.







An Act to amend
The Fire Marshals Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

MR. ROBERTS

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 19

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Fire Marshals Act

MR. ROBERTS



BILL 19

1961-62

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Fire Marshals Act* is amended by re-R.S.O. 1960, lettering clauses *a* and *b* as clauses *e* and *f* and by adding^{c. 148, s. 1, amended} thereto the following clauses:

(a) "emergency" means,

(i) a real or apprehended war, invasion or insurrection proclaimed to exist under the *War*^{R.S.C. 1952, c. 288} *Measures Act* (Canada), or

(ii) a natural emergency declared to exist under section 3a;

(b) "fire department" means a fire department organized under *The Municipal Act* and equipped with one or^{R.S.O. 1960, c. 249} more motorized fire pumps;

(c) "Fire Marshal" means the Fire Marshal of Ontario;

(d) "member" means,

(i) a person regularly employed in a fire department on a full-time salary basis and assigned exclusively to fire protection or fire prevention duties and includes officers and technicians, or

(ii) a person who voluntarily acts as a fire fighter for a nominal consideration or honorarium, or

(iii) a person who has been appointed as an auxiliary member of a fire department.

R.S.O. 1960, c. 148, amended **2.** *The Fire Marshals Act* is amended by adding thereto the following section:

Declaration of natural emergency

3a.—(1) A minister designated by the Lieutenant Governor in Council for the purpose may declare a natural emergency to exist during the time and in the part of Ontario that he designates.

Appointment of auxiliary fire fighters
R.S.O. 1960, c. 249

(2) An authority empowered by *The Municipal Act* to appoint members of a fire department may appoint a number of auxiliary members not exceeding the number of other members of the fire department.

Duty of Fire Marshal

(3) Where an emergency exists, the Fire Marshal has general command and control of all fire departments and the members thereof.

Resignations
R.S.C. 1952, c. 184

(4) Subject to sections 34 and 35 of the *National Defence Act* (Canada), during an emergency no member of a fire department in the area in which the emergency exists shall resign without the consent of the Fire Marshal.

Appointments, remuneration and expenses

(5) The Lieutenant Governor in Council may appoint such persons as he deems necessary, who shall function under the direction and control of the Fire Marshal and shall receive such remuneration and expenses as are fixed by the Lieutenant Governor in Council.

Agreements for additional fire services

(6) The Attorney General may make agreements with the Crown in right of Canada or in right of any province or with any state of the United States of America or any agency of any such province or state with respect to fire services in any area in which an emergency exists.

Workmen's compensation not affected
R.S.O. 1960, c. 437

(7) The relationship between a member of a fire department and the municipality by which he is employed continues for the purposes of *The Workmen's Compensation Act* as if this section had not been passed.

Commencement

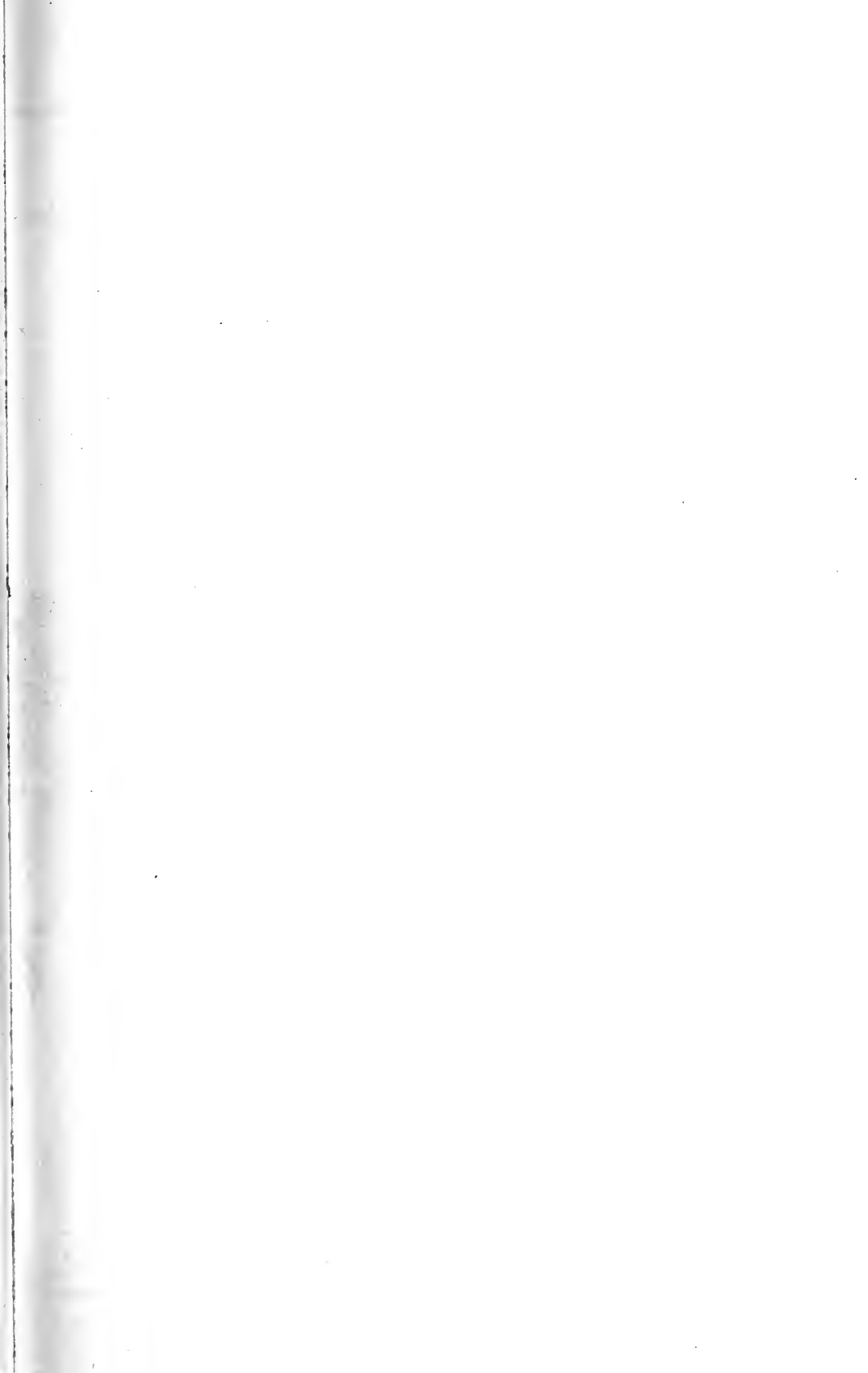
3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Fire Marshals Amendment Act, 1961-62*.







An Act to amend
The Fire Marshals Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

December 15th, 1961

MR. ROBERTS

BILL 20

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Jurors Act

MR. ROBERTS

EXPLANATORY NOTE

These amendments increase the maximum number of petit jurors that may be summoned to serve at a sittings of the Supreme Court.

BILL 20

1961-62

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 52 of *The Jurors Act* is amended by striking out "625" in clause *a* and inserting in lieu thereof "800", by striking out "270" in clause *b* and inserting in lieu thereof "350" and by striking out "180" in clause *c* and inserting in lieu thereof "225", so that the subsection shall read as follows:

R.S.O. 1960,
c. 199, s. 52,
subs. 1,
amended

- (1) Where a judge of the Supreme Court deems it necessary to have two or more sets of petit jurors to serve at any sittings of the Supreme Court, he may direct the sheriff to return such number of petit jurors as he thinks fit, not exceeding,

Two or
more sets
of petit
jurors

(a) in the county of York, 800;

(b) in the county of Wentworth, 350; and

(c) in any other county, 225,

and the judge shall fix and direct the number of sets and the day for which each set shall be summoned.

2. This Act comes into force on the 1st day of January, 1962.

Commence-
ment

3. This Act may be cited as *The Jurors Amendment Act*, 1961-62.

Short title

An Act to amend The Jurors Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 20

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Jurors Act

MR. ROBERTS



BILL 20

1961-62

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 52 of *The Jurors Act* is amended by striking out "625" in clause *a* and inserting in lieu thereof "800", by striking out "270" in clause *b* and inserting in lieu thereof "350" and by striking out "180" in clause *c* and inserting in lieu thereof "225", so that the subsection shall read as follows:

R.S.O. 1960,
c. 199, s. 52,
subs. 1,
amended

- (1) Where a judge of the Supreme Court deems it necessary to have two or more sets of petit jurors to serve at any sittings of the Supreme Court, he may direct the sheriff to return such number of petit jurors as he thinks fit, not exceeding,

Two or
more sets
of petit
jurors

- (a) in the county of York, 800;
- (b) in the county of Wentworth, 350; and
- (c) in any other county, 225,

and the judge shall fix and direct the number of sets and the day for which each set shall be summoned.

2. This Act comes into force on the 1st day of January, 1962.

Commence-
ment

3. This Act may be cited as *The Jurors Amendment Act*, Short title 1961-62.

An Act to amend The Jurors Act

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 21

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

The Legitimacy Act, 1961-62

MR. ROBERTS

EXPLANATORY NOTES

This Model Uniform Act was prepared by and is recommended by the Conference of Commissioners on Uniformity of Legislation in Canada. It has been enacted in British Columbia, Alberta and Saskatchewan.

The Act is as simple and easily understandable as is possible for a subject on which it is advisable to have rules under which results are easily determined and under which applications to court for determination of status will be as infrequent as possible.

Section 6 of the present Act is being transferred to *The Devolution of Estates Act* (see Bill 17) as being a more appropriate place; the section deals with devolution of property, not legitimacy.

SECTION 1. This is the same in principle as sections 1 and 4 of the present Act which have been law in Ontario since July 1, 1921.

SECTION 2. This section is new in Ontario. It follows in principle English legislation of 1950. It provides a rule by which to determine the status of a child born of a voidable marriage.

SECTIONS 3 AND 4. These are extensions of section 5 of the present Act. They provide rules by which to determine the status of a child born of a void marriage.

BILL 21

1961-62

The Legitimacy Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Where before or after the coming into force of this Act and after the birth of a person his parents have intermarried or intermarry, he is legitimate from birth for all purposes of the law of Ontario. Subsequent marriage

(2) Nothing in subsection 1 affects an interest in property that has vested in a person before the intermarriage of the parents or before the 1st day of July, 1921. Interests not affected

2. Where before or after the coming into force of this Act a decree of nullity has been or is granted in respect of a voidable marriage, a child who would have been the legitimate child of the parties to the marriage if it had been dissolved instead of being annulled continues to be legitimate notwithstanding the annulment. Voidable marriages

3. Where before or after the coming into force of this Act a person, Void marriages, special cases

- (a) in respect of whose spouse an order of presumption of death has been or is made either generally or *inter alia* in relation to remarriage; or
- (b) whose spouse was a member of the Canadian Forces in respect of whom official notification that he is dead or is presumed to be dead has been given under the laws of Canada,

has entered into or enters into a marriage that would be valid if the spouse were in fact dead, then, if the person to whom the order of presumption of death relates or in respect of whom the official notification was given was alive when the marriage was entered into, a child of the persons entering into the marriage is legitimate from birth for all purposes of the law of Ontario.

Void
marriages,
generally

4. Subject to section 3, where before or after the coming into force of this Act a person has been or is born of parents who entered into a marriage that is void, the person is legitimate from birth for all purposes of the law of Ontario if,

(a) the marriage was registered or recorded in substantial compliance with the law of the place where it was entered into; and

(b) either of the parties reasonably believed that the marriage was valid.

Application
of ss. 2-4

5.—(1) Sections 2, 3 and 4 apply whether the child of the persons who entered into the marriage was born before or after entry into the marriage, but do not apply where the child was born eleven months after the marriage has been annulled or declared to be void by a court or other competent authority under the appropriate governing law.

Application
of Act

(2) This Act legitimates a child notwithstanding the death of the child before the intermarriage of the parents.

Interests
not affected

6. Nothing in sections 2, 3, 4 or 5 affects an interest in property that has vested in a person before the coming into force of this Act or, in the case of a marriage after the birth of the child, before the intermarriage of the parents.

R.S.O. 1960,
c. 210,
repealed

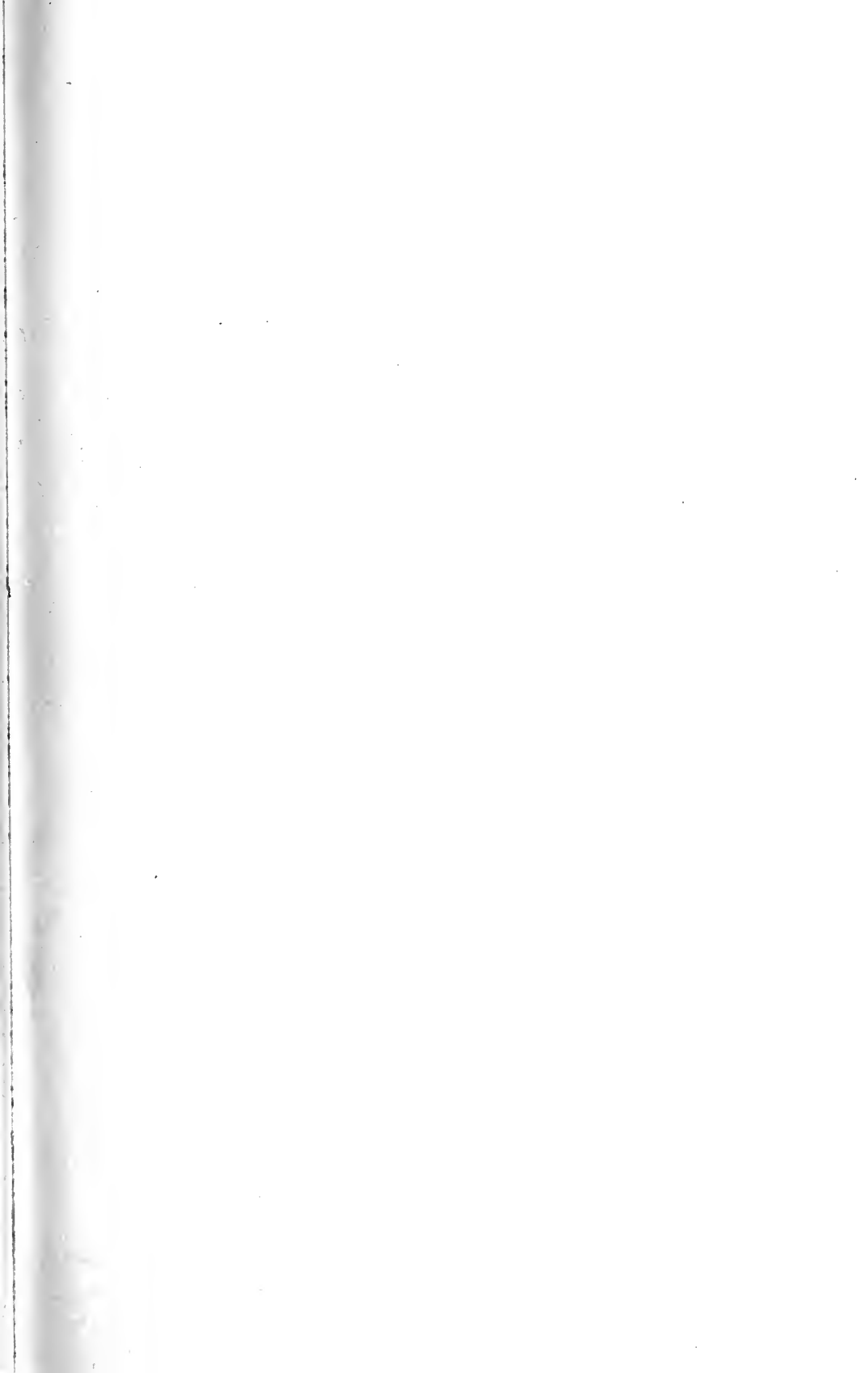
7. *The Legitimation Act* is repealed.

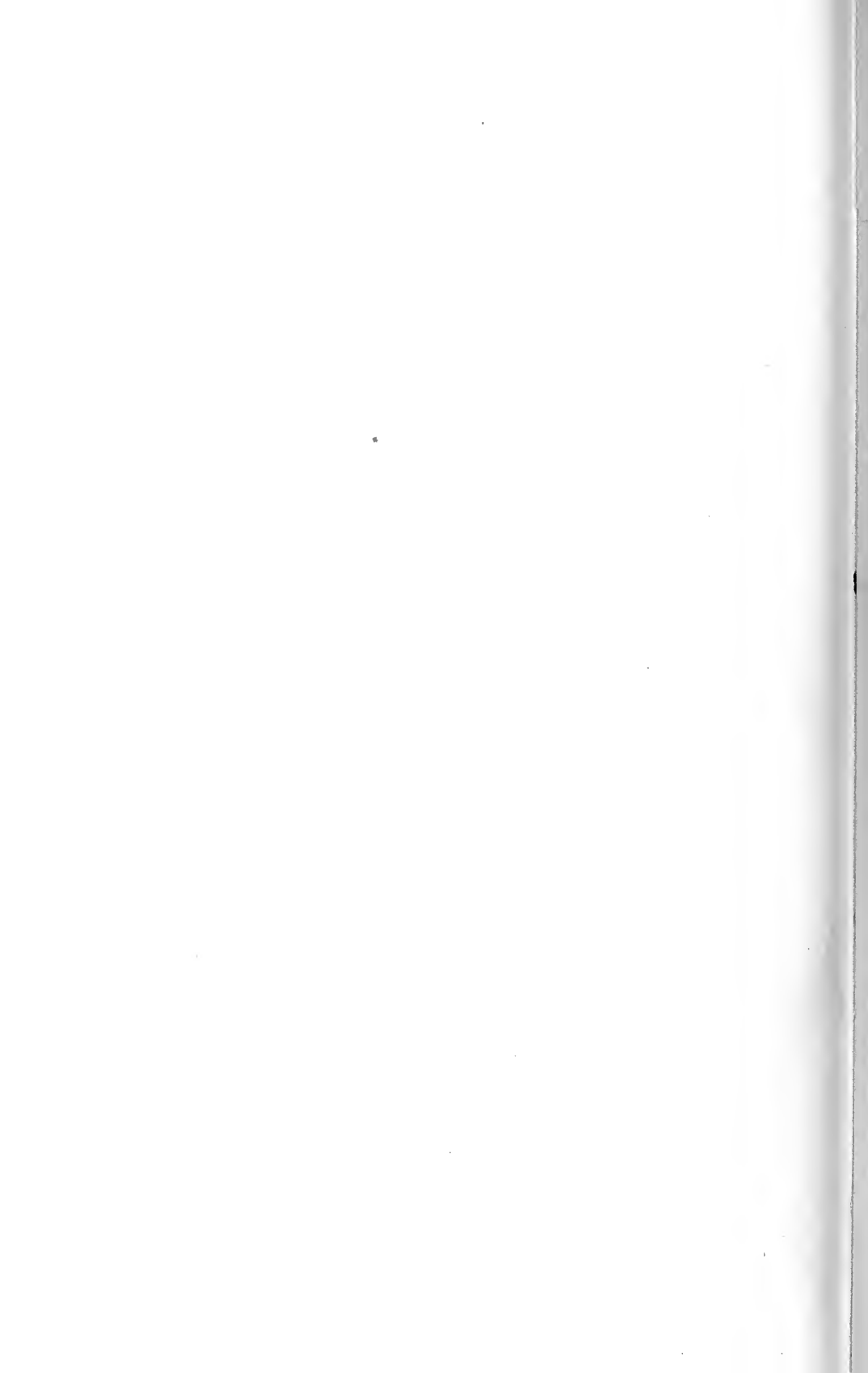
Commence-
ment

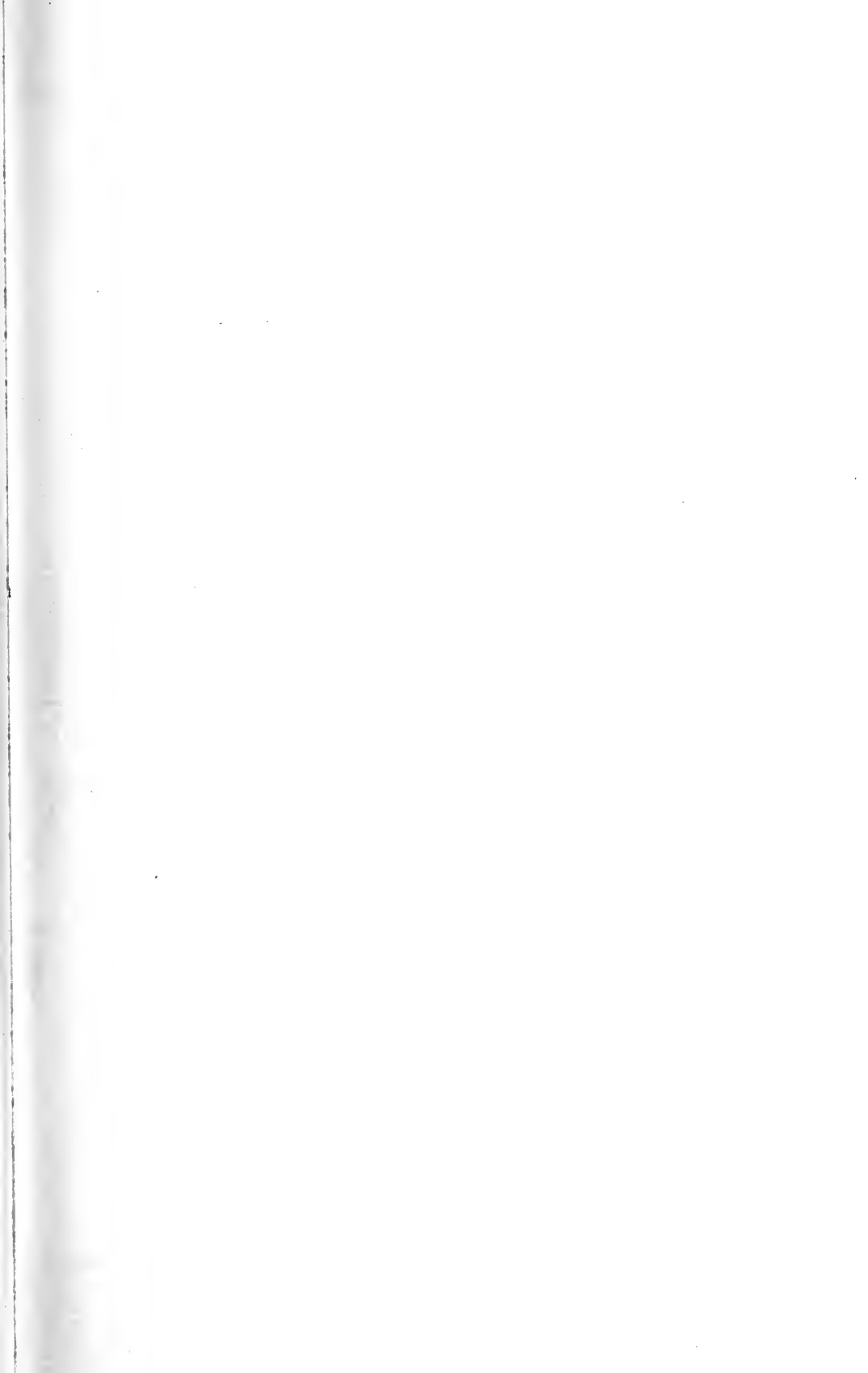
8. This Act comes into force on the 1st day of July, 1962.

Short title

9. This Act may be cited as *The Legitimacy Act, 1961-62*.







The Legitimacy Act, 1961-62

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 21

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

The Legitimacy Act, 1961-62

MR. ROBERTS



BILL 21

1961-62

The Legitimacy Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Where before or after the coming into force of this Act and after the birth of a person his parents have intermarried or intermarry, he is legitimate from birth for all purposes of the law of Ontario. Subsequent marriage

(2) Nothing in subsection 1 affects an interest in property that has vested in a person before the intermarriage of the parents or before the 1st day of July, 1921. Interests not affected

2. Where before or after the coming into force of this Act a decree of nullity has been or is granted in respect of a voidable marriage, a child who would have been the legitimate child of the parties to the marriage if it had been dissolved instead of being annulled continues to be legitimate notwithstanding the annulment. Voidable marriages

3. Where before or after the coming into force of this Act a person, Void marriages, special cases

(a) in respect of whose spouse an order of presumption of death has been or is made either generally or *inter alia* in relation to remarriage; or

(b) whose spouse was a member of the Canadian Forces in respect of whom official notification that he is dead or is presumed to be dead has been given under the laws of Canada,

has entered into or enters into a marriage that would be valid if the spouse were in fact dead, then, if the person to whom the order of presumption of death relates or in respect of whom the official notification was given was alive when the marriage was entered into, a child of the persons entering into the marriage is legitimate from birth for all purposes of the law of Ontario.

Void
marriages,
generally

4. Subject to section 3, where before or after the coming into force of this Act a person has been or is born of parents who entered into a marriage that is void, the person is legitimate from birth for all purposes of the law of Ontario if,

- (a) the marriage was registered or recorded in substantial compliance with the law of the place where it was entered into; and
- (b) either of the parties reasonably believed that the marriage was valid.

Application
of ss. 2-4

5.—(1) Sections 2, 3 and 4 apply whether the child of the persons who entered into the marriage was born before or after entry into the marriage, but do not apply where the child was born eleven months after the marriage has been annulled or declared to be void by a court or other competent authority under the appropriate governing law.

Application
of Act

(2) This Act legitimates a child notwithstanding the death of the child before the intermarriage of the parents.

Interests
not affected

6. Nothing in sections 2, 3, 4 or 5 affects an interest in property that has vested in a person before the coming into force of this Act or, in the case of a marriage after the birth of the child, before the intermarriage of the parents.

R.S.O. 1960,
c. 210,
repealed

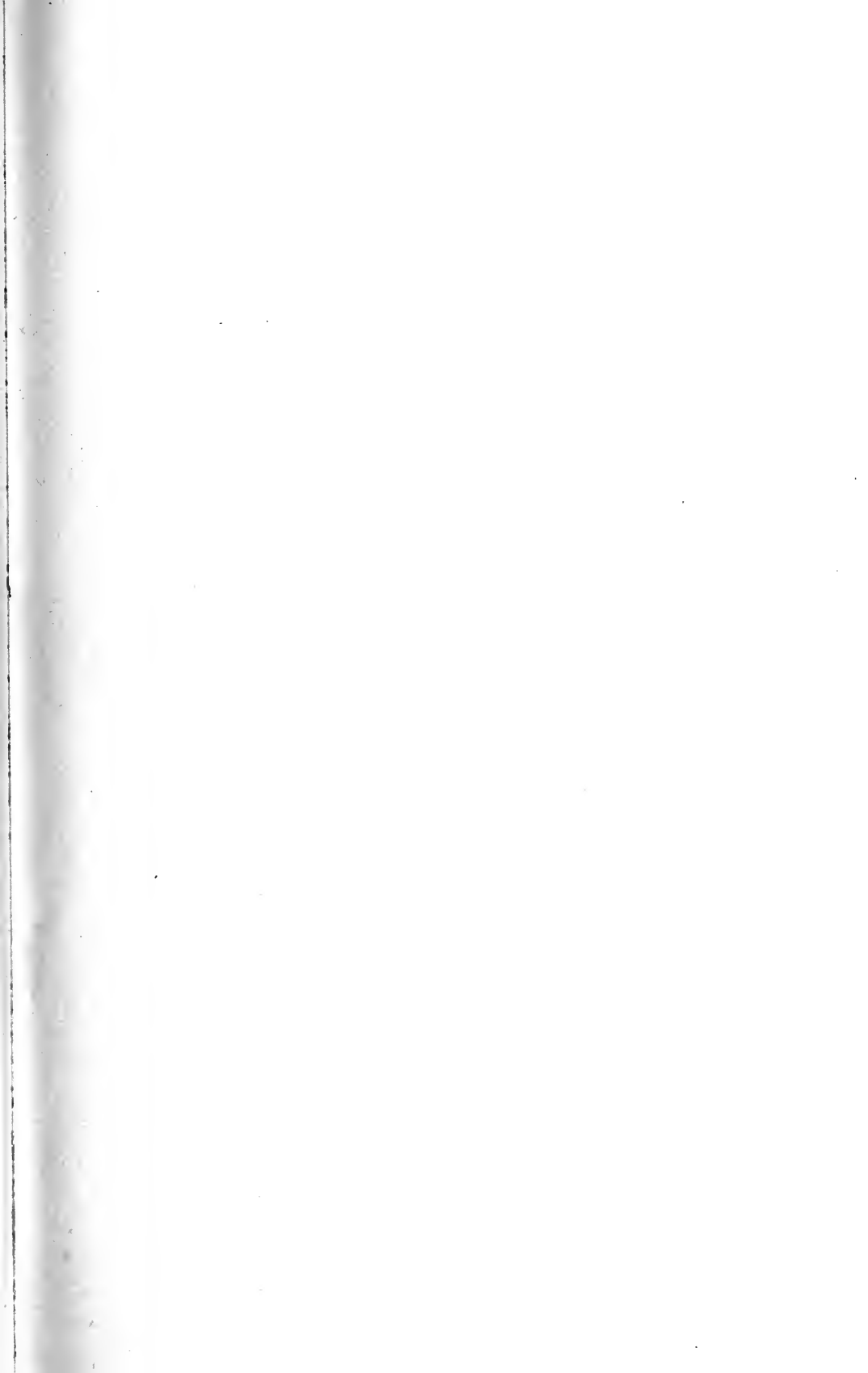
7. *The Legitimation Act* is repealed.

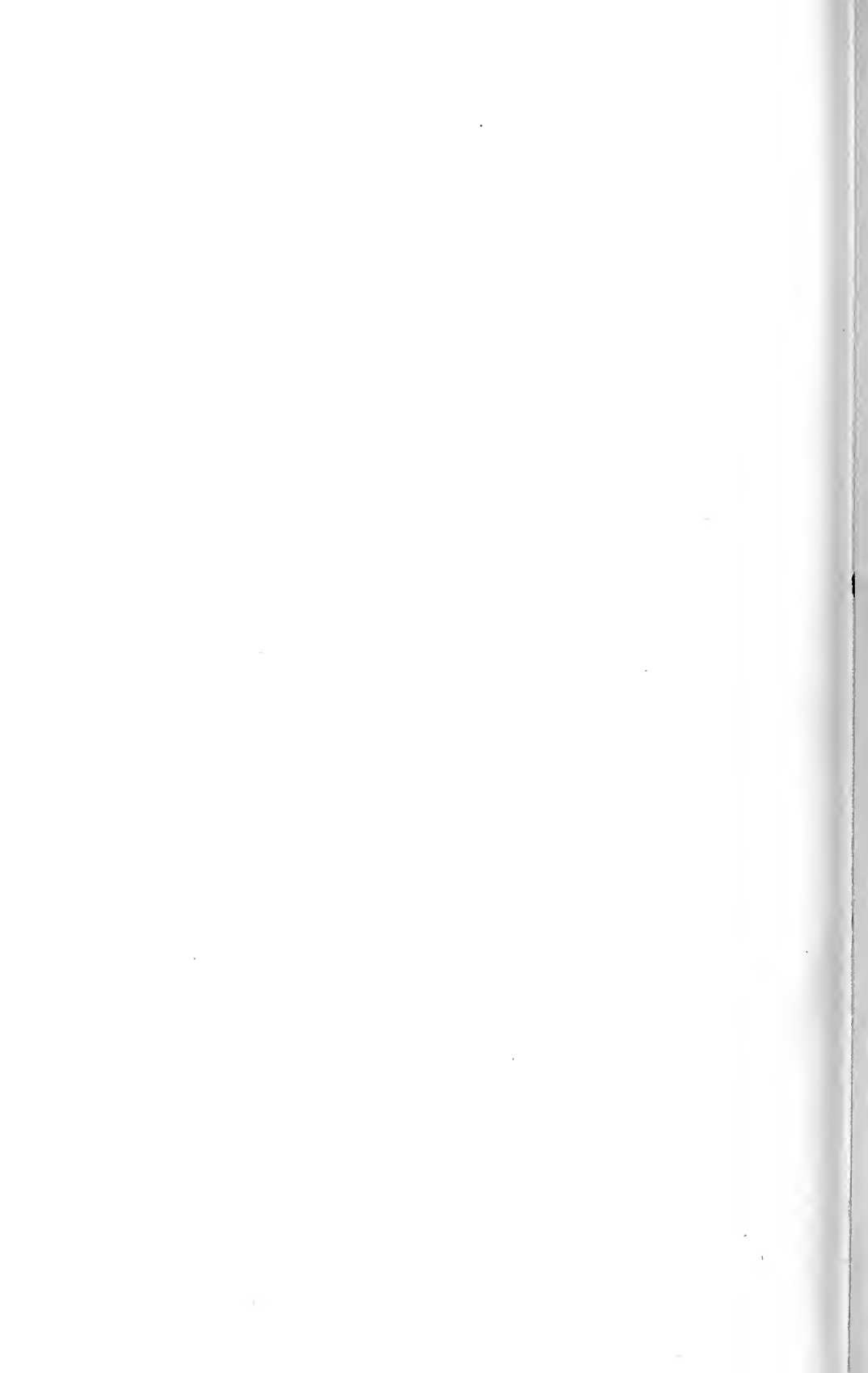
Commence-
ment

8. This Act comes into force on the 1st day of July, 1962.

Short title

9. This Act may be cited as *The Legitimacy Act, 1961-62*.







1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 22

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Master and Servant Act

MR. ROBERTS

EXPLANATORY NOTE

The purpose of this Bill is to strengthen the Act by providing a more effective means of preventing employers from leaving an area without first paying off their workmen. This arrest procedure (in addition to the present summons procedure) is required particularly in areas in which itinerant labour is used at harvest time on a subcontract basis.

BILL 22

1961-62

An Act to amend The Master and Servant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Master and Servant Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 230, s. 4,
amended

(1a) Where the justice of the peace before whom a complaint is laid under this section is satisfied that the master or employer is about to quit the territorial jurisdiction of the justice of the peace, the justice of the peace may issue a warrant (Form 1) for the arrest of the master or employer. Warrant
to arrest

2. *The Master and Servant Act* is amended by adding thereto the following form: R.S.O. 1960,
c. 230,
amended

FORM 1

The Master and Servant Act

(Section 4 (1a))

WARRANT TO ARREST

Province of Ontario {
of }

To the Peace Officers in the said.....

Whereas a complaint has been made against.....
of.....under *The Master and Servant Act*; and
whereas I am satisfied that the said.....is about to
quit my territorial jurisdiction;

This is therefore to command you, in Her Majesty's name, forthwith
to arrest the said.....and bring him before
.....to be dealt with according to law.

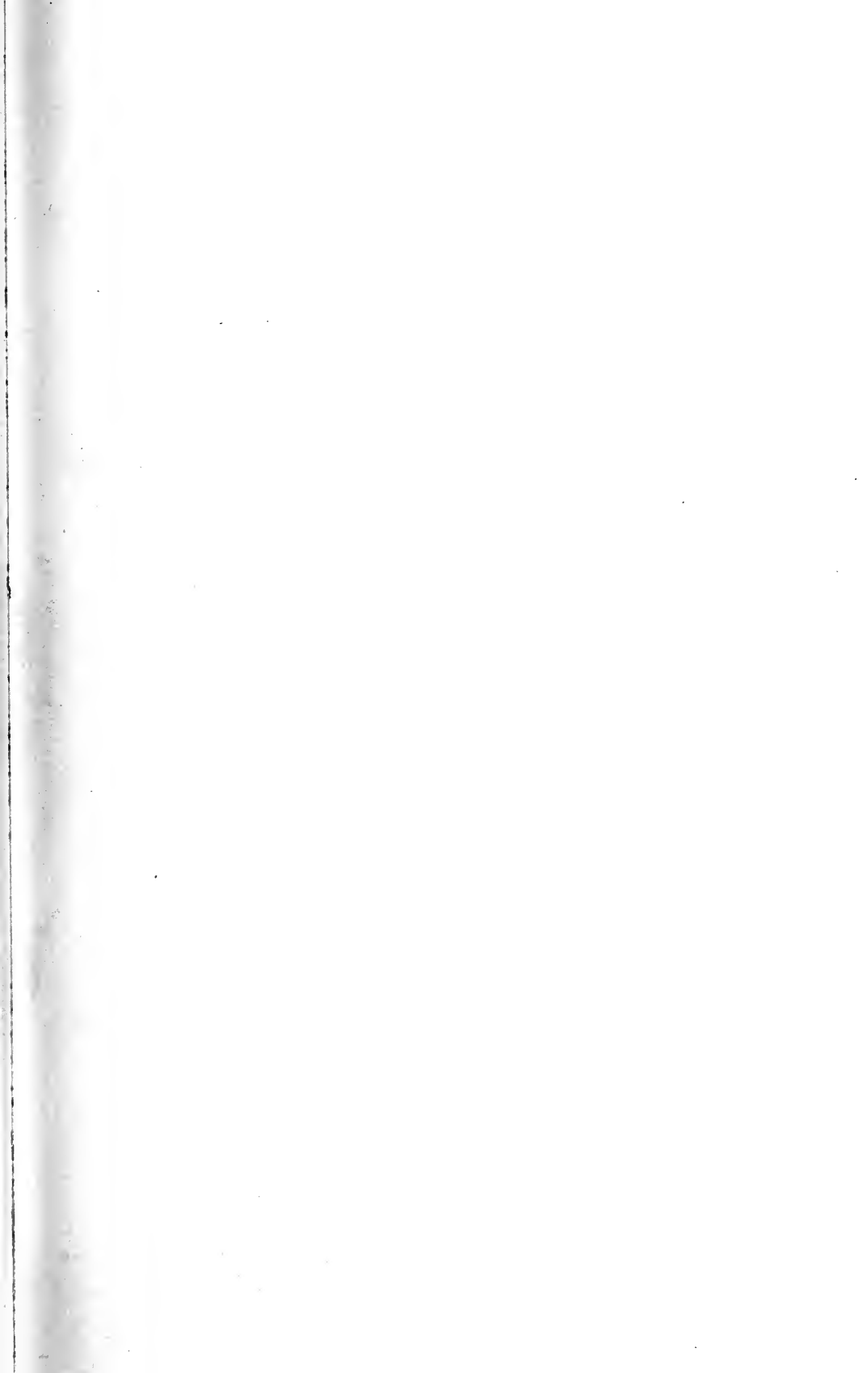
DATED at....., this.....day of....., 19....

.....
Justice of the Peace

Short title

3. This Act may be cited as *The Master and Servant Amendment Act, 1961-62*.





The Master and Servant Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 22

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Master and Servant Act

MR. ROBERTS

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The purpose of this Bill is to strengthen the Act by providing a more effective means of preventing employers from leaving an area without first paying off their workmen. This arrest procedure (in addition to the present summons procedure) is required particularly in areas in which itinerant labour is used at harvest time on a subcontract basis.

BILL 22

1961-62

An Act to amend The Master and Servant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Master and Servant Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 230, s. 4,
amended

(1a) Where the justice of the peace before whom a complaint is laid under this section is satisfied that the master or employer is about to quit the territorial jurisdiction of the justice of the peace, the justice of the peace may issue a warrant (Form 1) for the arrest of the master or employer. Warrant
to arrest

2. *The Master and Servant Act* is amended by adding thereto the following form: R.S.O. 1960,
c. 230,
amended

FORM 1

The Master and Servant Act

(Section 4 (1a))

WARRANT TO ARREST

Province of Ontario }
of

To the Peace Officers in the said

Whereas a complaint has been made against

of under *The Master and Servant Act*; and

whereas I am satisfied that the said is about to quit my territorial jurisdiction;

This is therefore to command you, in Her Majesty's name, forthwith to arrest the said and bring him before

..... to be dealt with according to law.

DATED at, this day of, 19....

.....
Justice of the Peace

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Master and Servant Amendment Act, 1961-62*.



An Act to amend
The Master and Servant Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee of the Whole House)

BILL 22

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Master and Servant Act

MR. ROBERTS



BILL 22

1961-62

An Act to amend The Master and Servant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Master and Servant Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 230, s. 4,
amended

(1a) Where the justice of the peace before whom a complaint is laid under this section is satisfied that the master or employer is about to quit the territorial jurisdiction of the justice of the peace, the justice of the peace may issue a warrant (Form 1) for the arrest of the master or employer. Warrant
to arrest

2. *The Master and Servant Act* is amended by adding thereto the following form: R.S.O. 1960
c. 230,
amended

FORM 1

The Master and Servant Act

(Section 4 (1a))

WARRANT TO ARREST

Province of Ontario {
of }

To the Peace Officers in the said

Whereas a complaint has been made against
of under *The Master and Servant Act*; and
whereas I am satisfied that the said is about to
quit my territorial jurisdiction;

This is therefore to command you, in Her Majesty's name, forthwith
to arrest the said and bring him before
..... to be dealt with according to law.

DATED at, this day of, 19....

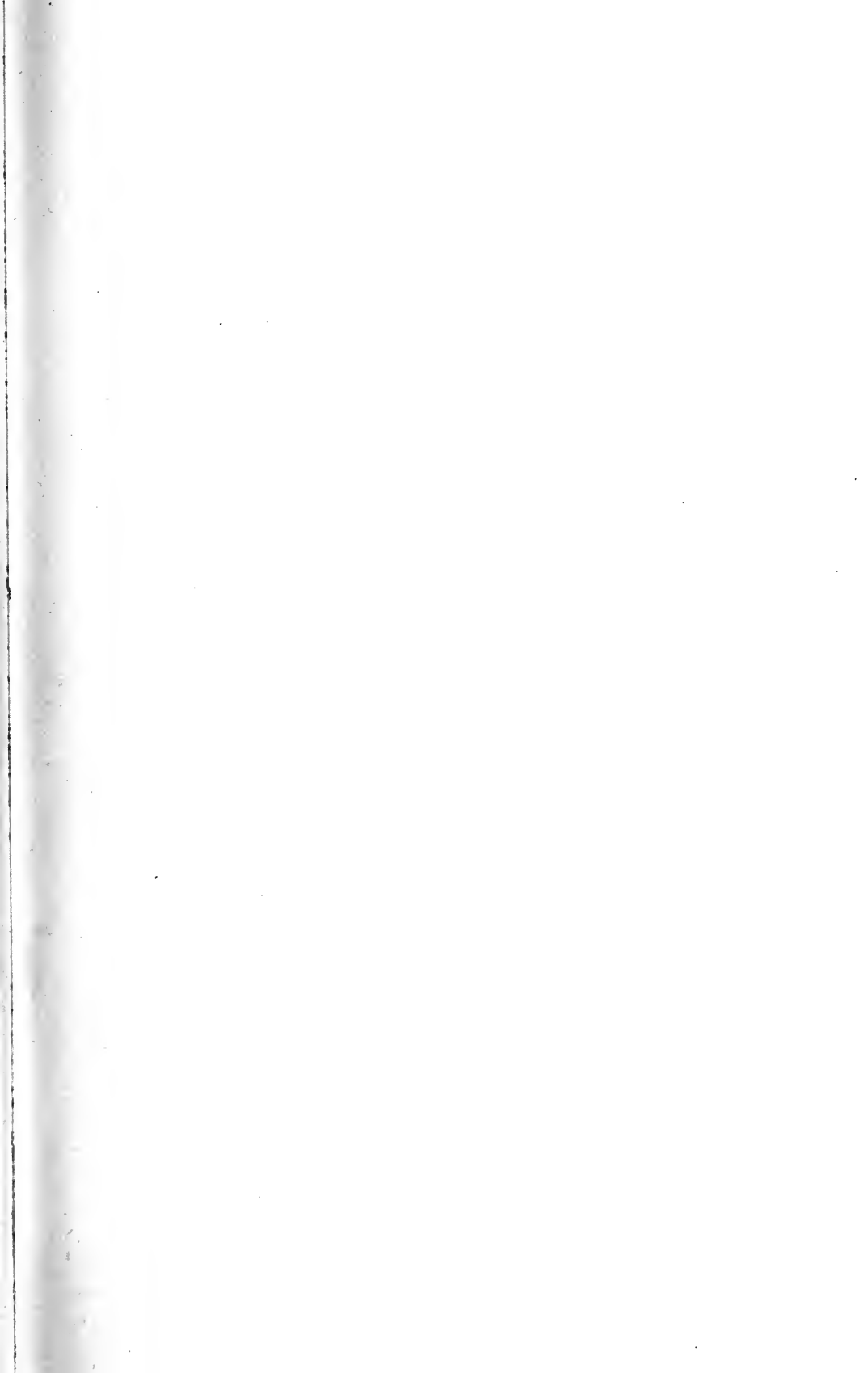
.....
Justice of the Peace

Commence-
ment

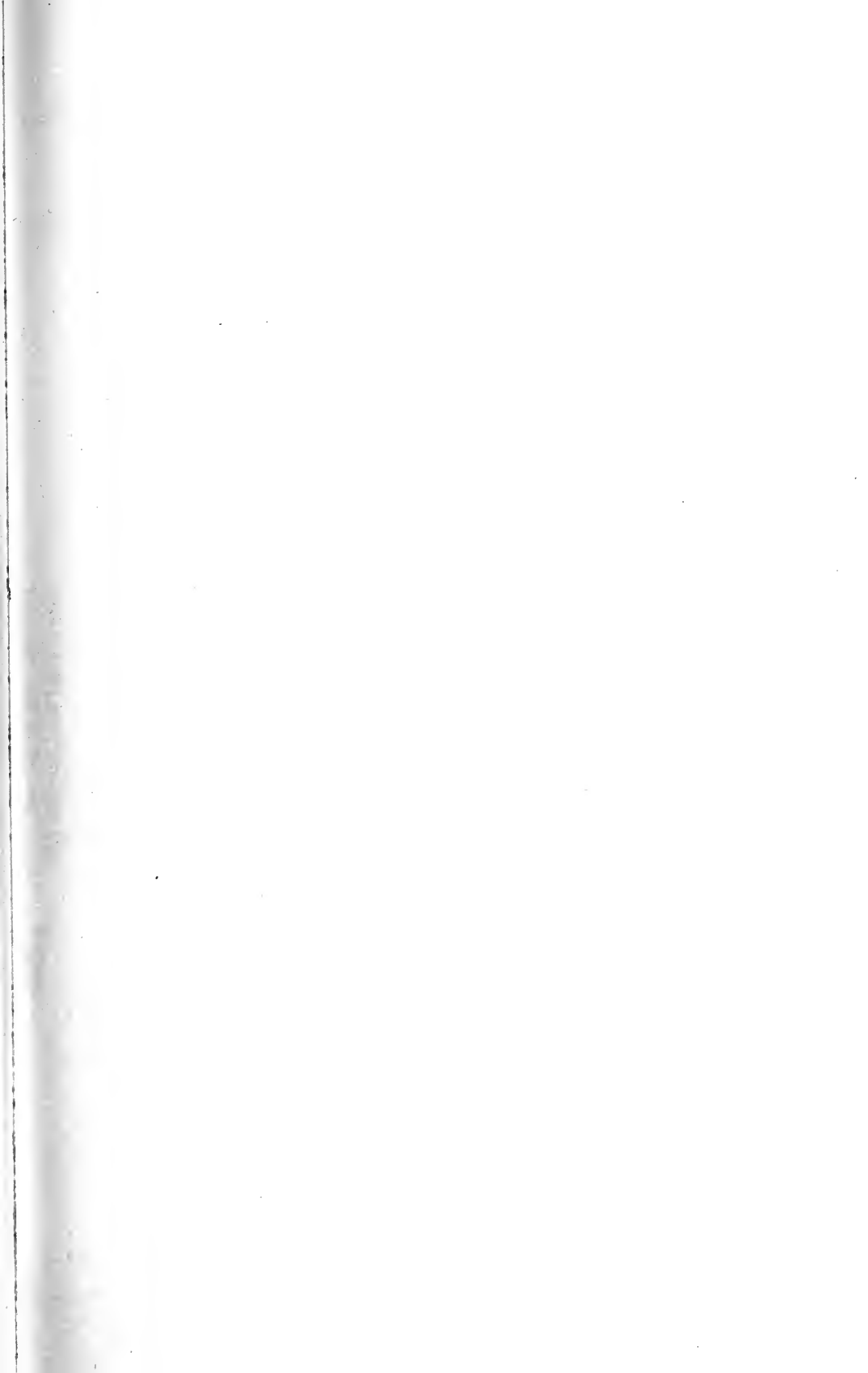
3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Master and Servant Amendment Act, 1961-62*.







An Act to amend
The Master and Servant Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 23

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Mechanics' Lien Act

MR. ROBERTS

EXPLANATORY NOTE

The amendment is to expedite the payment of money out of court and the surrender of bonds where such money has been paid into or bonds deposited in court under subsection 4 of section 25.

BILL 23

1961-62

An Act to amend The Mechanics' Lien Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Mechanics' Lien Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 233, s. 25, amended

- (8) Where money has been paid into court or a bond deposited in court pursuant to an order under subsection 4, a judge having jurisdiction or, in the County of York, the master may, upon the consent of all parties and lien claimants affected, order the money paid out to the persons entitled thereto or the delivery up of the bond for cancellation, as the case may be. Payment of money out of court

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Mechanics' Lien Amendment Act, 1961-62*. Short title

An Act to amend
The Mechanics' Lien Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 23

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Mechanics' Lien Act

MR. ROBERTS



BILL 23

1961-62

An Act to amend The Mechanics' Lien Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Mechanics' Lien Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 233, s. 25,
amended

(8) Where money has been paid into court or a bond deposited in court pursuant to an order under subsection 4, a judge having jurisdiction or, in the County of York, the master may, upon the consent of all parties and lien claimants affected, order the money paid out to the persons entitled thereto or the delivery up of the bond for cancellation, as the case may be. Payment of
money out
of court

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Mechanics' Lien Amendment Act, 1961-62*. Short title

An Act to amend
The Mechanics' Lien Act

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 24

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Police Act

MR. ROBERTS

EXPLANATORY NOTE

This Bill abolishes the office of Commissioner of Police for Ontario and divides the powers and duties of that office between a new body to be known as the Ontario Police Commission and a new officer to be known as the Commissioner of the Ontario Provincial Police Force.

BILL 24

1961-62

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Police Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 298, s. 1,
cl. *c*,
re-enacted

(*c*) "Commissioner" means the Commissioner of the Ontario Provincial Police Force.

2. Sections 4 and 5 of *The Police Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 298,
ss. 4, 5,
re-enacted

4. Where the Ontario Police Commission finds that a municipality mentioned in section 2 does not maintain a police force and is not provided with police services pursuant to an agreement under section 52 or 53, the Commission may take such action as it deems necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

Failure to
provide
police

5.—(1) Where the Ontario Police Commission finds that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not, in the maintenance of such police force, complying with this Act and the regulations, it may communicate with the clerk of the municipality indicating that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality to take such steps as are necessary to comply therewith.

Non-com-
pliance with
regulations

Action by
Commission

- (2) Where the council neglects to comply with a request made under subsection 1, the Ontario Police Commission may take such action as it deems necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

R.S.O. 1960,
c. 298, s. 37,
subs. 3,
amended

3. Subsection 3 of section 37 of *The Police Act* is amended by striking out "the Commissioner provides" in the first line and by inserting after "services" in the first line "are provided", so that the subsection shall read as follows:

Municipali-
ties
policed by
agreement

- (3) Where police services are provided in a municipality mentioned in section 2 pursuant to an agreement under section 53, the municipality shall for the purposes of this Part be deemed to have a police force.

R.S.O. 1960,
c. 298,
amended

4. *The Police Act* is amended by adding thereto the following Part:

PART III-A

ONTARIO POLICE COMMISSION

Ontario
Police
Commission

- 39a.—(1) There shall be an Ontario Police Commission composed of three persons who shall be appointed by the Lieutenant Governor in Council.

Chairman

- (2) The Lieutenant Governor in Council may designate one of the members of the Commission to be chairman.

Vacancies

- (3) When a vacancy occurs on the Commission from any cause, the vacancy may be filled by the Lieutenant Governor in Council.

Quorum

- (4) Two members of the Commission constitute a quorum whether or not a vacancy exists in the membership of the Commission.

Meetings

- (5) The Commission shall in each year hold such meetings as it deems appropriate and the meetings shall be open to the public unless otherwise directed by the Commission.

(6) It is the function of the Commission to exercise the ^{Function} powers and perform the duties conferred or imposed upon it by this Act.

(7) The Commission shall, after the close of each calendar year, file with the Attorney General an annual ^{Annual report} report upon the affairs of the Commission, and the Attorney General shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

5. Section 40 of *The Police Act* is repealed and the following ^{R.S.O. 1960, c. 298, s. 40, re-enacted} substituted therefor:

40.—(1) There shall be a Commissioner of the Ontario ^{Commissioner} Provincial Police Force who shall be appointed by the Lieutenant Governor in Council.

(2) Subject to the direction of the Ontario Police Com- ^{Powers and duties} mission, the Commissioner has the general control and administration of the Ontario Provincial Police Force and the employees connected therewith.

(3) The Commission, the Commissioner or a deputy ^{Investigations} commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any employee connected therewith and upon such inquiry it or he has and may exercise all the powers and authority that may be conferred upon a person appointed under *The Public Inquiries Act*. ^{R.S.O. 1960, c. 323}

6.—(1) Subsection 1 of section 48 of *The Police Act* is ^{R.S.O. 1960, c. 298, s. 48, subs. 1, amended} amended by striking out "The Attorney General may require the Commissioner or any other person to" in the first and second lines and inserting in lieu thereof "The Ontario Police Commission or any member thereof designated by the chairman may", so that the subsection, exclusive of the clauses, shall read as follows:

(1) The Ontario Police Commission or any member ^{Investigations} thereof designated by the chairman may investigate, inquire into and report to the Attorney General upon the conduct of or the performance of duties by any chief constable, other police officer, constable, special constable or by-law enforcement officer, the administration of any police force, the system of policing any municipality, and the police needs of any municipality,

.

R.S.O. 1960,
c. 298, s. 48,
amended

(2) The said section 48 is amended by adding thereto the following subsection:

Idem

(1a) The Ontario Police Commission may investigate, inquire into and report to the Attorney General upon any matter relating to the maintenance of law and order in Ontario.

R.S.O. 1960,
c. 298, s. 48,
subs. 2,
amended

(3) Subsection 2 of the said section 48 is amended by striking out "The person directed to hold such investigation has" in the first line and inserting in lieu thereof "The Commission or person holding an investigation under this section has and may exercise", so that the subsection shall read as follows:

Powers on
investiga-
tion

(2) The Commission or person holding an investigation under this section has and may exercise all the powers and authority that may be conferred upon a person appointed under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

R.S.O. 1960,
c. 298, s. 50,
subs. 1,
amended

7. Subsection 1 of section 50 of *The Police Act* is amended by inserting after "may" in the sixth line "with the approval of the Ontario Police Commission", so that the subsection shall read as follows:

Municipality
may
request
assistance
of provincial
police

(1) A board or council responsible for the policing of a municipality or part thereof may by resolution request the Commissioner to furnish the assistance of the Ontario Provincial Police Force in maintaining law and order or investigating any offence in the municipality and the Commissioner may with the approval of the Ontario Police Commission provide such assistance as he deems necessary.

R.S.O. 1960,
c. 298, s. 53,
subs. 1,
amended

8.—(1) Subsection 1 of section 53 of *The Police Act* is amended by striking out "Commissioner" in the second line and inserting in lieu thereof "Commission".

R.S.O. 1960,
c. 298, s. 53,
subs. 3,
amended

(2) Subsection 3 of the said section 53 is amended by striking out "Commissioner" in the fourth line and inserting in lieu thereof "Commission".

R.S.O. 1960,
c. 298, s. 53,
subs. 6,
amended

(3) Subsection 6 of the said section 53 is amended by striking out "Commissioner" in the fifth line and inserting in lieu thereof "Commission".

R.S.O. 1960,
c. 298, s. 54,
amended

9. Section 54 of *The Police Act* is amended by striking out "Commissioner" in the first and fifth lines respectively and inserting in lieu thereof "Commission".

10. Subsections 2 and 3 of section 58 of *The Police Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 298, s. 58,
subss. 2, 3,
re-enacted

(2) Where an appointment is made under subsection 1, written notice of the appointment and the circumstances that render it expedient shall be forthwith transmitted to the Ontario Police Commission.

Notice of
appoint-
ment

(3) The authority who has appointed a special constable, or the Ontario Police Commission, may suspend or terminate the services of such constable, and written notice of the suspension or termination shall, if made by the Commissioner, a judge or magistrate, be forthwith transmitted to the Commission.

Suspension
or termina-
tion of
services

11. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

12. This Act may be cited as *The Police Amendment Act, 1961-62*.

Short title

An Act to amend
The Police Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Police Act

MR. ROBERTS

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

This Bill abolishes the office of Commissioner of Police for Ontario and divides the powers and duties of that office between a new body to be known as the Ontario Police Commission and a new officer to be known as the Commissioner of the Ontario Provincial Police Force.

BILL 24

1961-62

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Police Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 298, s. 1,
cl. *c*,
re-enacted

(*c*) "Commissioner" means the Commissioner of the Ontario Provincial Police Force.

2. Sections 4 and 5 of *The Police Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 298,
ss. 4, 5,
re-enacted

4. Where the Ontario Police Commission finds that a municipality mentioned in section 2 does not maintain a police force and is not provided with police services pursuant to an agreement under section 52 or 53, the Commission may take such action as it deems necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

Failure to
provide
police

- 5.—(1) Where the Ontario Police Commission finds that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not, in the maintenance of such police force, complying with this Act and the regulations, it may communicate with the clerk of the municipality indicating that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality to take such steps as are necessary to comply therewith.

Non-com-
pliance with
regulations

Action by
Commission

- (2) Where the council neglects to comply with a request made under subsection 1, the Ontario Police Commission may take such action as it deems necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

R.S.O. 1960,
c. 298, s. 37,
subs. 3,
amended

3. Subsection 3 of section 37 of *The Police Act* is amended by striking out "the Commissioner provides" in the first line and by inserting after "services" in the first line "are provided", so that the subsection shall read as follows:

Municipali-
ties
policed by
agreement

- (3) Where police services are provided in a municipality mentioned in section 2 pursuant to an agreement under section 53, the municipality shall for the purposes of this Part be deemed to have a police force.

R.S.O. 1960,
c. 298,
amended

4. *The Police Act* is amended by adding thereto the following Part:

PART III-A

ONTARIO POLICE COMMISSION

Ontario
Police
Commission

- 39a.—(1) There shall be an Ontario Police Commission composed of three persons who shall be appointed by the Lieutenant Governor in Council.

Chairman

- (2) The Lieutenant Governor in Council may designate one of the members of the Commission to be chairman.

Vacancies

- (3) When a vacancy occurs on the Commission from any cause, the vacancy may be filled by the Lieutenant Governor in Council.

Quorum

- (4) Two members of the Commission constitute a quorum whether or not a vacancy exists in the membership of the Commission.

Meetings

- (5) The Commission shall in each year hold such meetings as it deems appropriate and the meetings shall be open to the public unless otherwise directed by the Commission.

(6) It is the function of the Commission to exercise the Function powers and perform the duties conferred or imposed upon it by this Act.

(7) The Commission shall, after the close of each calendar year, file with the Attorney General an annual report upon the affairs of the Commission, and the Attorney General shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. ^{Annual report}

(8) The moneys required for the purposes of the Commission shall be paid out of the Consolidated Revenue Fund until the 31st day of March, 1962, and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose. ^{Expenses, how paid}

5. Section 40 of *The Police Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 298, s. 40, re-enacted}

40.—(1) There shall be a Commissioner of the Ontario Provincial Police Force who shall be appointed by the Lieutenant Governor in Council. ^{Commissioner}

(2) Subject to the direction of the Ontario Police Commission, the Commissioner has the general control and administration of the Ontario Provincial Police Force and the employees connected therewith. ^{Powers and duties}

(3) The Commission, the Commissioner or a deputy commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any employee connected therewith and upon such inquiry it or he has and may exercise all the powers and authority that may be conferred upon a person appointed under *The Public Inquiries Act*. ^{Investigations}

6. *The Police Act* is amended by adding thereto the following section: ^{R.S.O. 1960, c. 298, amended}

45g. The relationship between a member of a police force and the body that employs him continues for the purposes of *The Workmen's Compensation Act* as if this Part had not been passed. ^{Workmen's compensation not affected}

7.—(1) Subsection 1 of section 48 of *The Police Act* is amended by striking out "The Attorney General may require the Commissioner or any other person to" in the first and second lines and inserting in lieu thereof "The Ontario Police ^{R.S.O. 1960, c. 298, s. 48, subs. 1, amended}

Commission or any member thereof designated by the chairman may", so that the subsection, exclusive of the clauses, shall read as follows:

Investigations

- (1) The Ontario Police Commission or any member thereof designated by the chairman may investigate, inquire into and report to the Attorney General upon the conduct of or the performance of duties by any chief constable, other police officer, constable, special constable or by-law enforcement officer, the administration of any police force, the system of policing any municipality, and the police needs of any municipality,

.

R.S.O. 1960,
c. 298, s. 48,
amended

- (2) The said section 48 is amended by adding thereto the following subsection:

Idem

- (1a) The Ontario Police Commission may investigate, inquire into and report to the Attorney General upon any matter relating to the maintenance of law and order in Ontario.

R.S.O. 1960,
c. 298, s. 48,
subs. 2,
amended

- (3) Subsection 2 of the said section 48 is amended by striking out "The person directed to hold such investigation has" in the first line and inserting in lieu thereof "The Commission or person holding an investigation under this section has and may exercise", so that the subsection shall read as follows:

Powers on investigation

- (2) The Commission or person holding an investigation under this section has and may exercise all the powers and authority that may be conferred upon a person appointed under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

R.S.O. 1960,
c. 298, s. 50,
subs. 1,
amended

- 8.** Subsection 1 of section 50 of *The Police Act* is amended by inserting after "may" in the sixth line "with the approval of the Ontario Police Commission", so that the subsection shall read as follows:

Municipality may request assistance of provincial police

- (1) A board or council responsible for the policing of a municipality or part thereof may by resolution request the Commissioner to furnish the assistance of the Ontario Provincial Police Force in maintaining law and order or investigating any offence in the municipality and the Commissioner may with the approval of the Ontario Police Commission provide such assistance as he deems necessary.

9.—(1) Subsection 1 of section 53 of *The Police Act* is amended by striking out “Commissioner” in the second line and inserting in lieu thereof “Commission”. R.S.O. 1960, c. 298, s. 53, subs. 1, amended

(2) Subsection 3 of the said section 53 is amended by striking out “Commissioner” in the fourth line and inserting in lieu thereof “Commission”. R.S.O. 1960, c. 298, s. 53, subs. 3, amended

(3) Subsection 6 of the said section 53 is amended by striking out “Commissioner” in the fifth line and inserting in lieu thereof “Commission”. R.S.O. 1960, c. 298, s. 53, subs. 6, amended

10. Section 54 of *The Police Act* is amended by striking out “Commissioner” in the first and fifth lines respectively and inserting in lieu thereof “Commission”. R.S.O. 1960, c. 298, s. 54, amended

11. Subsections 2 and 3 of section 58 of *The Police Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 58, subss. 2, 3, re-enacted

(2) Where an appointment is made under subsection 1, written notice of the appointment and the circumstances that render it expedient shall be forthwith transmitted to the Ontario Police Commission. Notice of appointment

(3) The authority who has appointed a special constable, or the Ontario Police Commission, may suspend or terminate the services of such constable, and written notice of the suspension or termination shall, if made by the Commissioner, a judge or magistrate, be forthwith transmitted to the Commission. Suspension or termination of services

12. This Act comes into force on the day it receives Royal Assent. Commencement

13. This Act may be cited as *The Police Amendment Act*, 1961-62. Short title

An Act to amend
The Police Act

1st Reading

November 28th, 1961

2nd Reading

December 12th, 1961

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee of the Whole House)

BILL 24

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Police Act

MR. ROBERTS



BILL 24

1961-62

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Police Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 298, s. 1,
cl. *c*,
re-enacted

(*c*) "Commissioner" means the Commissioner of the Ontario Provincial Police Force.

2. Sections 4 and 5 of *The Police Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 298,
ss. 4, 5,
re-enacted

4. Where the Ontario Police Commission finds that a municipality mentioned in section 2 does not maintain a police force and is not provided with police services pursuant to an agreement under section 52 or 53, the Commission may take such action as it deems necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

Failure to
provide
police

5.—(1) Where the Ontario Police Commission finds that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not, in the maintenance of such police force, complying with this Act and the regulations, it may communicate with the clerk of the municipality indicating that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality to take such steps as are necessary to comply therewith.

Non-com-
pliance with
regulations

Action by
Commission

- (2) Where the council neglects to comply with a request made under subsection 1, the Ontario Police Commission may take such action as it deems necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

R.S.O. 1960,
c. 298, s. 37,
subs. 3,
amended

3. Subsection 3 of section 37 of *The Police Act* is amended by striking out "the Commissioner provides" in the first line and by inserting after "services" in the first line "are provided", so that the subsection shall read as follows:

Municipali-
ties
policed by
agreement

- (3) Where police services are provided in a municipality mentioned in section 2 pursuant to an agreement under section 53, the municipality shall for the purposes of this Part be deemed to have a police force.

R.S.O. 1960,
c. 298,
amended

4. *The Police Act* is amended by adding thereto the following Part:

PART III-A

ONTARIO POLICE COMMISSION

Ontario
Police
Commission

- 39a.—(1) There shall be an Ontario Police Commission composed of three persons who shall be appointed by the Lieutenant Governor in Council.

Chairman

- (2) The Lieutenant Governor in Council may designate one of the members of the Commission to be chairman.

Vacancies

- (3) When a vacancy occurs on the Commission from any cause, the vacancy may be filled by the Lieutenant Governor in Council.

Quorum

- (4) Two members of the Commission constitute a quorum whether or not a vacancy exists in the membership of the Commission.

Meetings

- (5) The Commission shall in each year hold such meetings as it deems appropriate and the meetings shall be open to the public unless otherwise directed by the Commission.

(6) It is the function of the Commission to exercise the ^{Function} powers and perform the duties conferred or imposed upon it by this Act.

(7) The Commission shall, after the close of each calendar year, file with the Attorney General an annual ^{Annual report} report upon the affairs of the Commission, and the Attorney General shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(8) The moneys required for the purposes of the Commission shall be paid out of the Consolidated Revenue Fund until the 31st day of March, 1962, and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose. ^{Expenses, how paid}

5. Section 40 of *The Police Act* is repealed and the following ^{R.S.O. 1960, c. 298, s. 40, re-enacted} substituted therefor:

40.—(1) There shall be a Commissioner of the Ontario ^{Commissioner} Provincial Police Force who shall be appointed by the Lieutenant Governor in Council.

(2) Subject to the direction of the Ontario Police Commission, the Commissioner has the general control ^{Powers and duties} and administration of the Ontario Provincial Police Force and the employees connected therewith.

(3) The Commission, the Commissioner or a deputy ^{Investigations} commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any employee connected therewith and upon such inquiry it or he has and may exercise all the powers and authority that may be conferred upon a person appointed under *The Public Inquiries Act*. ^{R.S.O. 1960, c. 323}

6. *The Police Act* is amended by adding thereto the following ^{R.S.O. 1960, c. 298, amended} section:

45g. The relationship between a member of a police force and the body that employs him continues for the ^{Workmen's compensation not affected} purposes of *The Workmen's Compensation Act* as if this Part had not been passed. ^{R.S.O. 1960, c. 437}

7.—(1) Subsection 1 of section 48 of *The Police Act* is ^{R.S.O. 1960, c. 298, s. 48, subs. 1, amended} amended by striking out "The Attorney General may require the Commissioner or any other person to" in the first and second lines and inserting in lieu thereof "The Ontario Police

Commission or any member thereof designated by the chairman may", so that the subsection, exclusive of the clauses, shall read as follows:

Investigations

- (1) The Ontario Police Commission or any member thereof designated by the chairman may investigate, inquire into and report to the Attorney General upon the conduct of or the performance of duties by any chief constable, other police officer, constable, special constable or by-law enforcement officer, the administration of any police force, the system of policing any municipality, and the police needs of any municipality,

.

R.S.O. 1960,
c. 298, s. 48,
amended

- (2) The said section 48 is amended by adding thereto the following subsection:

Idem

- (1a) The Ontario Police Commission may investigate, inquire into and report to the Attorney General upon any matter relating to the maintenance of law and order in Ontario.

R.S.O. 1960,
c. 298, s. 48,
subs. 2,
amended

- (3) Subsection 2 of the said section 48 is amended by striking out "The person directed to hold such investigation has" in the first line and inserting in lieu thereof "The Commission or person holding an investigation under this section has and may exercise", so that the subsection shall read as follows:

Powers on investigation

- (2) The Commission or person holding an investigation under this section has and may exercise all the powers and authority that may be conferred upon a person appointed under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

R.S.O. 1960,
c. 298, s. 50,
subs. 1,
amended

8. Subsection 1 of section 50 of *The Police Act* is amended by inserting after "may" in the sixth line "with the approval of the Ontario Police Commission", so that the subsection shall read as follows:

Municipality may request assistance of provincial police

- (1) A board or council responsible for the policing of a municipality or part thereof may by resolution request the Commissioner to furnish the assistance of the Ontario Provincial Police Force in maintaining law and order or investigating any offence in the municipality and the Commissioner may with the approval of the Ontario Police Commission provide such assistance as he deems necessary.

9.—(1) Subsection 1 of section 53 of *The Police Act* is amended by striking out “Commissioner” in the second line and inserting in lieu thereof “Commission”. R.S.O. 1960, c. 298, s. 53, subs. 1, amended

(2) Subsection 3 of the said section 53 is amended by striking out “Commissioner” in the fourth line and inserting in lieu thereof “Commission”. R.S.O. 1960, c. 298, s. 53, subs. 3, amended

(3) Subsection 6 of the said section 53 is amended by striking out “Commissioner” in the fifth line and inserting in lieu thereof “Commission”. R.S.O. 1960, c. 298, s. 53, subs. 6, amended

10. Section 54 of *The Police Act* is amended by striking out “Commissioner” in the first and fifth lines respectively and inserting in lieu thereof “Commission”. R.S.O. 1960, c. 298, s. 54, amended

11. Subsections 2 and 3 of section 58 of *The Police Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 58, subss. 2, 3, re-enacted

(2) Where an appointment is made under subsection 1, written notice of the appointment and the circumstances that render it expedient shall be forthwith transmitted to the Ontario Police Commission. Notice of appointment

(3) The authority who has appointed a special constable, or the Ontario Police Commission, may suspend or terminate the services of such constable, and written notice of the suspension or termination shall, if made by the Commissioner, a judge or magistrate, be forthwith transmitted to the Commission. Suspension or termination of services

12. This Act comes into force on the day it receives Royal Assent. Commencement

13. This Act may be cited as *The Police Amendment Act*, 1961-62. Short title

An Act to amend
The Police Act

1st Reading

November 28th, 1961

2nd Reading

December 12th, 1961

3rd Reading

December 15th, 1961

MR. ROBERTS

BILL 25

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend the Reciprocal Enforcement of Maintenance Orders Act

MR. ROBERTS

EXPLANATORY NOTE

These amendments will remove the difficulty that now exists in some cases as to what is and what is not a court of "superior jurisdiction" and will enable the appropriate court in Ontario to be chosen in each case, thus facilitating the processing in Ontario of maintenance orders made by courts in jurisdictions with which Ontario has reciprocal arrangements.

**An Act to amend
The Reciprocal Enforcement of Maintenance
Orders Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Reciprocal Enforcement of Maintenance Orders Act* is amended by striking out "if the court in the reciprocating state by which the order was made was a court of superior jurisdiction, be the Supreme Court and, if that court was not a court of superior jurisdiction" in the second, third, fourth and fifth lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 346, s. 2,
subs. 2,
amended

- (2) The court in Ontario in which an order is to be registered shall be such court in Ontario as is determined by the Attorney General.

Court in
Ontario to
be deter-
mined by
Attorney
General

2. Subsection 1 of section 5 of *The Reciprocal Enforcement of Maintenance Orders Act* is amended by striking out "the Supreme Court if the court in the reciprocating state by which the order was made was a court of superior jurisdiction or to such court as is determined by the Attorney General, if the court in the reciprocating state by which the order was made was not a court of superior jurisdiction" in the sixteenth to twentieth lines and inserting in lieu thereof "such court in Ontario as is determined by the Attorney General", so that the subsection shall read as follows:

R.S.O. 1960,
c. 346, s. 5,
subs. 1,
amended

- (1) Where,

Confirmation
of orders
made out-
side Ontario

- (a) a maintenance order has been made by a court in a reciprocating state and the order is provisional only and has no effect until confirmed by a court in Ontario; and
- (b) a certified copy of the order, together with the depositions of witnesses and a statement

of the grounds on which the order might have been opposed if the person against whom the order was made had been a party to the proceedings, is received by the Attorney General; and

- (c) it appears to the Attorney General that the person against whom the order was made is resident in Ontario,

the Attorney General may send the documents to the proper officer of such court in Ontario as is determined by the Attorney General, and upon receipt of the documents the court shall issue a summons calling upon the person against whom the order was made to show cause why the order should not be confirmed, and cause it to be served upon such person.

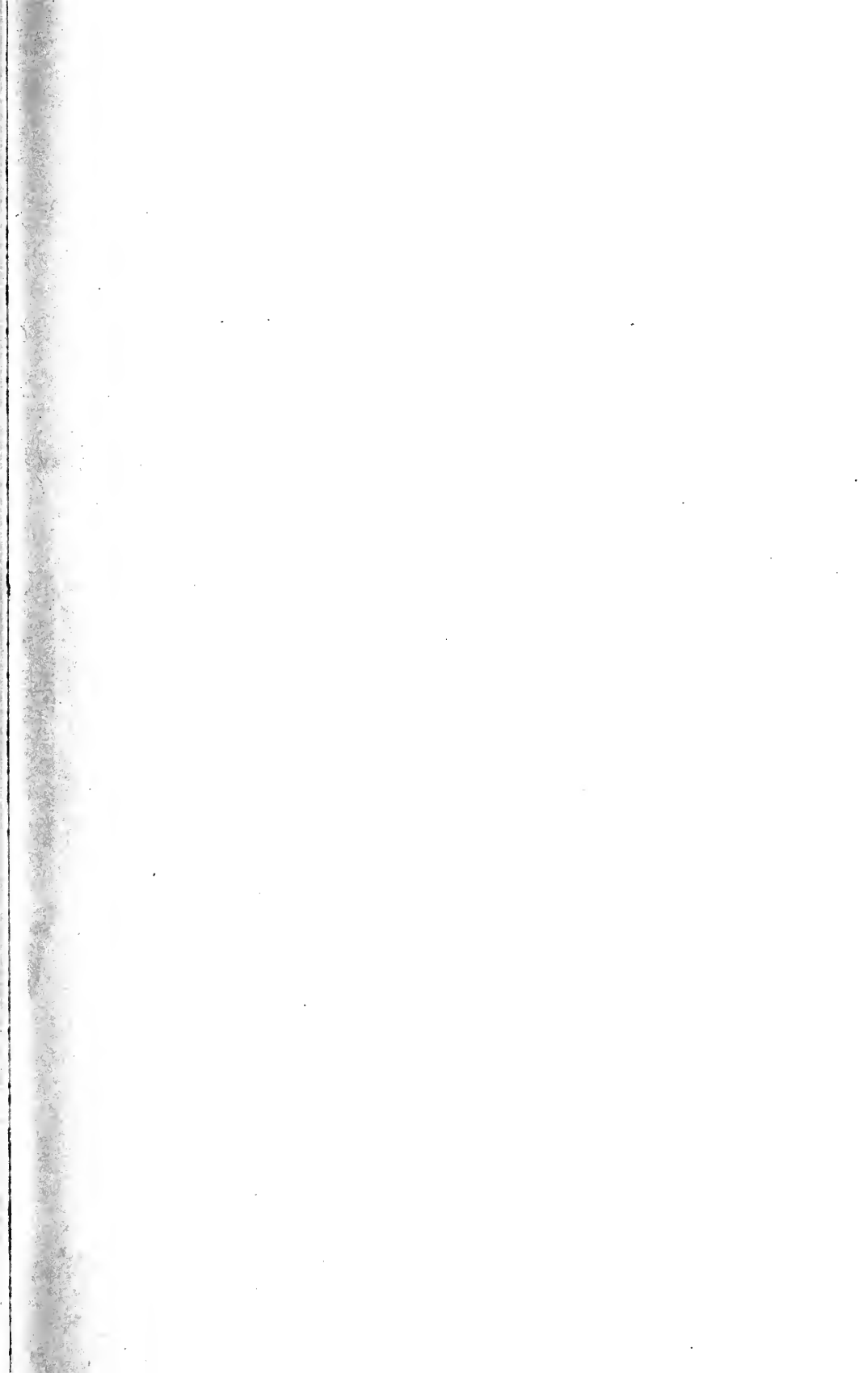
Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1961-62.*





An Act to amend
The Reciprocal Enforcement
of Maintenance Orders Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 25

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

MR. ROBERTS



**An Act to amend
The Reciprocal Enforcement of Maintenance
Orders Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Reciprocal Enforcement of Maintenance Orders Act* is amended by striking out "if the court in the reciprocating state by which the order was made was a court of superior jurisdiction, be the Supreme Court and, if that court was not a court of superior jurisdiction" in the second, third, fourth and fifth lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 346, s. 2,
subs. 2,
amended

- (2) The court in Ontario in which an order is to be registered shall be such court in Ontario as is determined by the Attorney General.

Court in
Ontario to
be deter-
mined by
Attorney
General

2. Subsection 1 of section 5 of *The Reciprocal Enforcement of Maintenance Orders Act* is amended by striking out "the Supreme Court if the court in the reciprocating state by which the order was made was a court of superior jurisdiction or to such court as is determined by the Attorney General, if the court in the reciprocating state by which the order was made was not a court of superior jurisdiction" in the sixteenth to twentieth lines and inserting in lieu thereof "such court in Ontario as is determined by the Attorney General", so that the subsection shall read as follows:

R.S.O. 1960,
c. 346, s. 5,
subs. 1,
amended

- (1) Where,

Confirmation
of orders
made out-
side Ontario

- (a) a maintenance order has been made by a court in a reciprocating state and the order is provisional only and has no effect until confirmed by a court in Ontario; and
- (b) a certified copy of the order, together with the depositions of witnesses and a statement

of the grounds on which the order might have been opposed if the person against whom the order was made had been a party to the proceedings, is received by the Attorney General; and

- (c) it appears to the Attorney General that the person against whom the order was made is resident in Ontario,

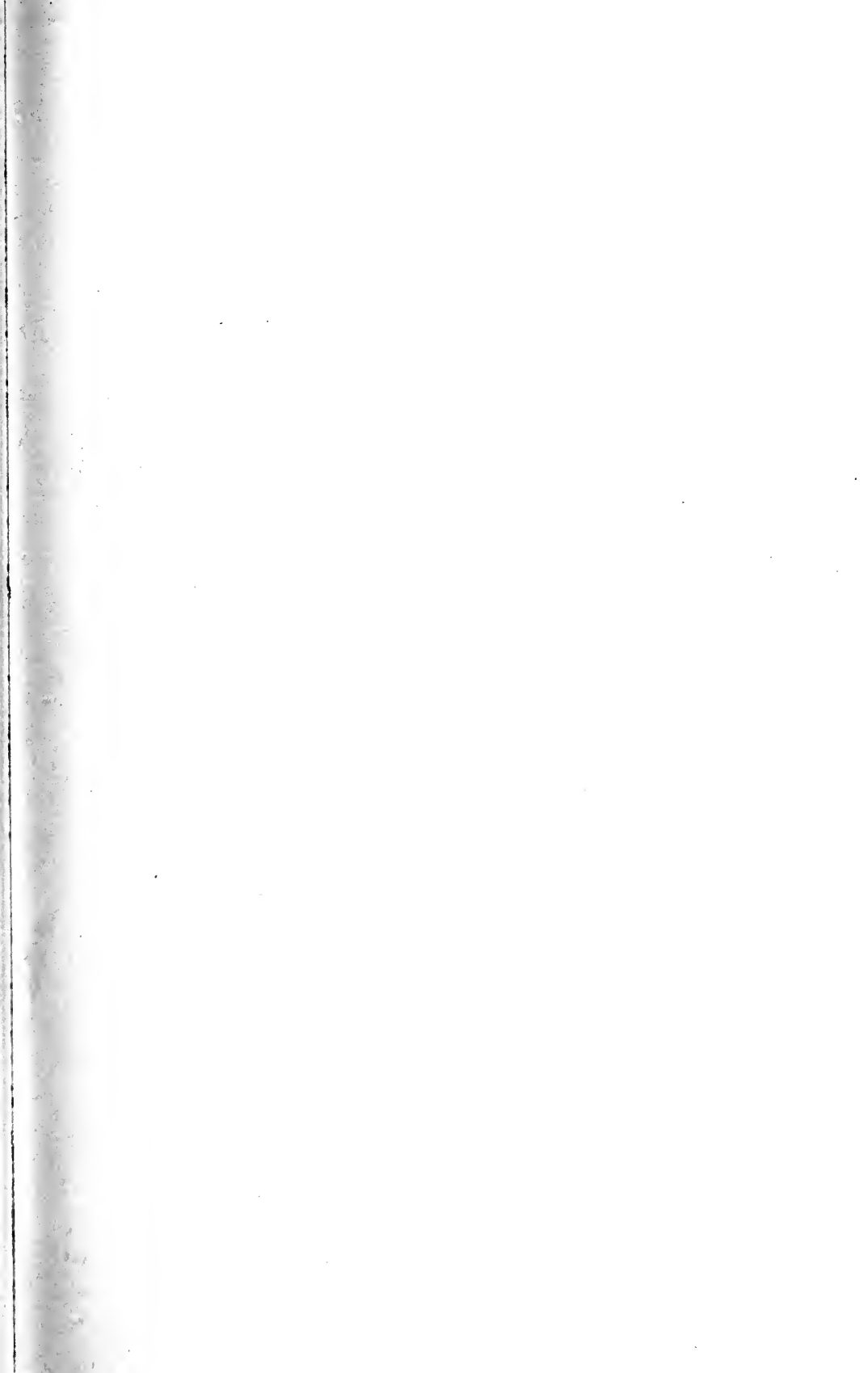
the Attorney General may send the documents to the proper officer of such court in Ontario as is determined by the Attorney General, and upon receipt of the documents the court shall issue a summons calling upon the person against whom the order was made to show cause why the order should not be confirmed, and cause it to be served upon such person.

Commence-
ment

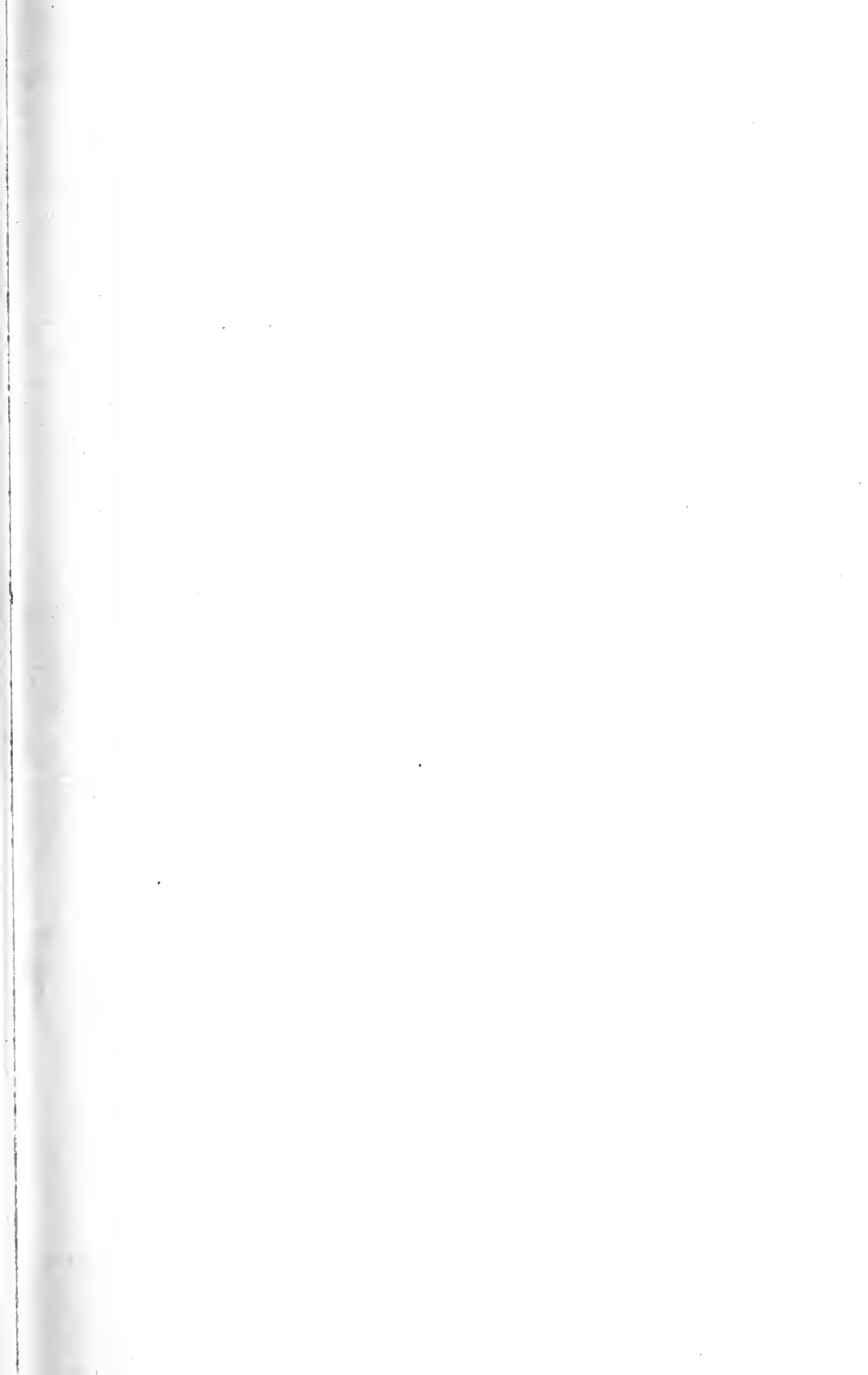
3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1961-62*.







An Act to amend
The Reciprocal Enforcement
of Maintenance Orders Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 26

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to confirm the Revised Regulations of Ontario, 1960

MR. ROBERTS

EXPLANATORY NOTE

This Bill confirms Revised Regulations of Ontario, 1960. The regulations and amendments made while the Revised Regulations were being prepared were also revised and republished in a special issue of *The Ontario Gazette*. These regulations are confirmed also.

BILL 26

1961-62

An Act to confirm the Revised Regulations of Ontario, 1960

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Revised Regulations of Ontario, 1960, as ^{R.R.O. 1960,}_{confirmed} printed by the Queen's Printer, shall be deemed to be valid and to have come into force on the 1st day of July, 1961.

(2) The regulations published in a special issue of *The* ^{Certain}_{regulations} *Ontario Gazette*, dated the 3rd day of July, 1961, shall be ^{confirmed deemed to be valid and to have come into force on the 1st day of July, 1961.}

2. Section 1 shall be deemed not to validate any Regulation ^{Exception} or part thereof that has been made without authority.

3. This Act comes into force on the day it receives Royal ^{Commence-}_{ment} Assent.

4. This Act may be cited as *The Revised Regulations Con-* ^{Short title}_{firmation Act, 1961-62.}

An Act to confirm the
Revised Regulations of Ontario, 1960

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 26

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to confirm the Revised Regulations of Ontario, 1960

MR. ROBERTS

BILL 26

1961-62

**An Act to confirm the
Revised Regulations of Ontario, 1960**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Revised Regulations of Ontario, 1960, as ^{R.R.O. 1960,} printed by the Queen's Printer, shall be deemed to be valid ^{confirmed} and to have come into force on the 1st day of July, 1961.

(2) The regulations published in a special issue of *The Ontario Gazette*, dated the 3rd day of July, 1961, shall be ^{Certain} ^{regulations} ^{confirmed} deemed to be valid and to have come into force on the 1st day of July, 1961.

2. Section 1 shall be deemed not to validate any Regulation ^{Exception} or part thereof that has been made without authority.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Revised Regulations Con-* ^{Short title} *firmation Act, 1961-62.*

An Act to confirm the
Revised Regulations of Ontario, 1960

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 27

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Summary Convictions Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment extends the period within which a summons for an offence under *The Highway Traffic Act* may be re-served from fifteen to twenty-one days, thus allowing the same period for re-service as is now allowed for the original service.

Subsection 2. The sending of a summons by prepaid post is proved by affidavit. Among the things that must be stated in the affidavit are "the place, date *and time* of posting". It is difficult to comply with the time requirement, especially in the court offices of large cities, and in any event the time requirement serves no useful purpose as parts of days are not involved. The time requirement is therefore deleted.

BILL 27

1961-62

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 9 of section 6 of *The Summary Convictions Act* is amended by striking out “fifteen” in the third line and inserting in lieu thereof “twenty-one”, so that the subsection shall read as follows: R.S.O. 1960,
c. 387, s. 6,
subs. 9,
amended

(9) Where a summons issued under subsection 8 is for a contravention of any provision of *The Highway Traffic Act*, it shall be served within twenty-one days of the date on which the person is required to appear by the original summons. Time for
service of
further
summons
for offence
under
R.S.O. 1960,
c. 172

(2) Clause *a* of subsection 11 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960,
c. 387, s. 6,
subs. 11,
cl. *a*,
re-enacted

(*a*) the place and date of posting.

2. This Act may be cited as *The Summary Convictions Amendment Act, 1961-62*. Short title

An Act to amend
The Summary Convictions Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 27

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Summary Convictions Act

MR. ROBERTS

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment extends the period within which a summons for an offence under *The Highway Traffic Act* may be re-served from fifteen to twenty-one days, thus allowing the same period for re-service as is now allowed for the original service.

Subsection 2. The sending of a summons by prepaid post is proved by affidavit. Among the things that must be stated in the affidavit are "the place, date *and time* of posting". It is difficult to comply with the time requirement, especially in the court offices of large cities, and in any event the time requirement serves no useful purpose as parts of days are not involved. The time requirement is therefore deleted.

BILL 27

1961-62

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 9 of section 6 of *The Summary Convictions Act* is amended by striking out “fifteen” in the third line and inserting in lieu thereof “twenty-one”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 387, s. 6,
subs. 9,
amended

(9) Where a summons issued under subsection 8 is for a contravention of any provision of *The Highway Traffic Act*, it shall be served within twenty-one days of the date on which the person is required to appear by the original summons.

Time for
service of
further
summons
for offence
under
R.S.O. 1960,
c. 172

(2) Clause *a* of subsection 11 of the said section 6 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 387, s. 6,
subs. 11,
cl. *a*,
re-enacted

(*a*) the place and date of posting.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Summary Convictions Amendment Act, 1961-62*.

Short title

An Act to amend
The Summary Convictions Act

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

MR. ROBERTS

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 27

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Summary Convictions Act

MR. ROBERTS

BILL 27

1961-62

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 9 of section 6 of *The Summary Convictions Act* is amended by striking out “fifteen” in the third line and inserting in lieu thereof “twenty-one”, so that the subsection shall read as follows: R.S.O. 1960,
c. 387, s. 6,
subs. 9,
amended

(9) Where a summons issued under subsection 8 is for a contravention of any provision of *The Highway Traffic Act*, it shall be served within twenty-one days of the date on which the person is required to appear by the original summons. Time for
service of
further
summons
for offence
under
R.S.O. 1960,
c. 172

(2) Clause *a* of subsection 11 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960,
c. 387, s. 6,
subs. 11,
cl. a,
re-enacted

(a) the place and date of posting.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Summary Convictions Amendment Act, 1961-62*. Short title

An Act to amend
The Summary Convictions Act

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 28

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Trustee Act

MR. ROBERTS

EXPLANATORY NOTE

At present, a trustee is not chargeable for breach of trust by reason only of lending on insufficient security where the amount of the loan does not exceed 60 per cent of the value of the property. This percentage of the value of the property is increased to two-thirds of the value.

Subsection 2 provides that a trustee is not chargeable with breach of trust only by reason of lending on mortgage security insured under the *National Housing Act, 1954* (Canada) even though the amount of the loan exceeds two-thirds of the value of the property.

BILL 28

1961-62

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 30 of *The Trustee Act* is amended by R.S.O. 1960, c. 408, s. 30, amended striking out “60 per cent” in the twelfth line and inserting in lieu thereof “two-thirds”, so that subsection 1 of the said section shall read as follows:

- (1) A trustee lending money upon the security of any property upon which he may lawfully lend is not chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, if it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be a competent valuator, instructed and employed independently of any owner of the property, whether such valuator carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed two-thirds of the value of the property as stated in the report and that it was made under the advice of the valuator expressed in the report. When trustee not chargeable for lending, on insufficient security

(2) The said section 30 is further amended by adding R.S.O. 1960, c. 408, s. 30, amended thereto the following subsection:

- (2) Notwithstanding subsection 1, a trustee lending money on a mortgage security, if the loan is an insured loan under the *National Housing Act, 1954* on N.H.A. mortgages 1953-54, c. 23 (Can.) (Canada), is not chargeable with breach of trust by reason only that the amount of the loan exceeds two-thirds of the value of the property mortgaged.

2. This Act may be cited as *The Trustee Amendment Act*, Short title 1961-62.

An Act to amend The Trustee Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 28

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Trustee Act

MR. ROBERTS

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

At present, a trustee is not chargeable for breach of trust by reason only of lending on insufficient security where the amount of the loan does not exceed 60 per cent of the value of the property. This percentage of the value of the property is increased to two-thirds of the value.

Subsection 2 provides that a trustee is not chargeable with breach of trust only by reason of lending on mortgage security insured under the *National Housing Act, 1954* (Canada) even though the amount of the loan exceeds two-thirds of the value of the property.

BILL 28

1961-62

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(2) The said section 30 is further amended by adding thereto the following subsection:

- (2) Notwithstanding subsection 1, a trustee lending money on a mortgage security, if the loan is an insured loan under the *National Housing Act, 1954* (Canada), is not chargeable with breach of trust by reason only that the amount of the loan exceeds two-thirds of the value of the property mortgaged.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Trustee Amendment Act, 1961-62*.

An Act to amend 'The Trustee Act

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee of the Whole House)

BILL 28

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Trustee Act

MR. ROBERTS

BILL 28

1961-62

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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(2) The said section 30 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 408, s. 30, amended

- (2) Notwithstanding subsection 1, a trustee lending money on a mortgage security, if the loan is an insured loan under the *National Housing Act, 1954* on N.H.A. mortgages 1953-54, c. 23 (Can.) (Canada), is not chargeable with breach of trust by reason only that the amount of the loan exceeds two-thirds of the value of the property mortgaged.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Trustee Amendment Act, 1961-62*. Short title

An Act to amend The Trustee Act

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

December 11th, 1961

MR. ROBERTS

BILL 29

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Dentistry Act

MR. DYMOND

EXPLANATORY NOTE

Two printer's errors are corrected.

BILL 29

1961-62

An Act to amend The Dentistry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 22 of *The Dentistry Act* is amended by striking out "in" in the first line and inserting in lieu thereof "is", so that the subsection shall read as follows: R.S.O. 1960, c. 91, s. 22, subs. 3, amended

- (3) Where default is made in payment of the annual fee and such default continues for a period of one month, the licence of a member so in default lapses, but such licence may be renewed thereafter upon payment of the fee and an additional sum not exceeding \$10 as is prescribed by by-law of the Board and such sum is recoverable in the same manner as the annual fee. Default in payment of fee

2. Subsection 1 of section 24 of *The Dentistry Act* is amended by inserting after "disgraceful" in the sixth and seventh lines "or improper", so that the subsection shall read as follows: R.S.O. 1960, c. 91, s. 24, subs. 1, amended

- (1) The Board may suspend or cancel the certificate of licence of a member of the College who has been heretofore or is hereafter convicted in Canada or elsewhere of an indictable offence if his conviction remains unreversed, or who has been or is guilty of any infamous, disgraceful or improper conduct in a professional respect and such infamous, disgraceful or improper conduct in a professional respect shall be deemed to include fraudulent and exorbitant charging of fees, but this power shall not be exercised if the conviction is for a political offence committed out of Her Majesty's dominions, or for an offence that, though indictable, ought not, either from its nature or from the circumstances under which it was committed, to disqualify the person convicted from practising dentistry. Suspension and cancellation of certificates

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Dentistry Amendment Act, 1961-62*.

An Act to amend The Dentistry Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 29

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Dentistry Act

MR. DYMOND

BILL 29

1961-62

An Act to amend The Dentistry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 22 of *The Dentistry Act* is amended by striking out "in" in the first line and inserting in lieu thereof "is", so that the subsection shall read as follows: R.S.O. 1960, c. 91, s. 22, subs. 3, amended

- (3) Where default is made in payment of the annual fee and such default continues for a period of one month, the licence of a member so in default lapses, but such licence may be renewed thereafter upon payment of the fee and an additional sum not exceeding \$10 as is prescribed by by-law of the Board and such sum is recoverable in the same manner as the annual fee. Default in payment of fee

2. Subsection 1 of section 24 of *The Dentistry Act* is amended by inserting after "disgraceful" in the sixth and seventh lines "or improper", so that the subsection shall read as follows: R.S.O. 1960, c. 91, s. 24, subs. 1, amended

- (1) The Board may suspend or cancel the certificate of licence of a member of the College who has been heretofore or is hereafter convicted in Canada or elsewhere of an indictable offence if his conviction remains unreversed, or who has been or is guilty of any infamous, disgraceful or improper conduct in a professional respect and such infamous, disgraceful or improper conduct in a professional respect shall be deemed to include fraudulent and exorbitant charging of fees, but this power shall not be exercised if the conviction is for a political offence committed out of Her Majesty's dominions, or for an offence that, though indictable, ought not, either from its nature or from the circumstances under which it was committed, to disqualify the person convicted from practising dentistry. Suspension and cancellation of certificates

Commence-
ment **3.** This Act comes into force on the day it receives Royal Assent.

Short title **4.** This Act may be cited as *The Dentistry Amendment Act, 1961-62*.

An Act to amend The Dentistry Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

December 11th, 1961

MR. DYMOND

BILL 30

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Sanatoria for Consumptives Act

MR. DYMOND

EXPLANATORY NOTE

The amendment is designed to clarify the authority of the Department to maintain and operate clinics and for the professional staffs in the clinics to perform techniques and procedures associated with the prevention and treatment of tuberculous disease.

BILL 30

1961-62

**An Act to amend
The Sanatoria for Consumptives Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 54 of *The Sanatoria for Consumptives Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 359, s. 54,
amended

(3) The Lieutenant Governor in Council may make regulations authorizing the Minister to establish, maintain and operate facilities for the prevention and treatment of tuberculous disease and governing their establishment, operation and use. Regulations
for facilities
established
by
Minister

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1961-62*. Short title

An Act to amend
The Sanatoria for Consumptives Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 30

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Sanatoria for Consumptives Act

MR. DYMOND

BILL 30

1961-62

**An Act to amend
The Sanatoria for Consumptives Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 54 of *The Sanatoria for Consumptives Act* is R.S.O. 1960,
c. 359, s. 54,
amended amended by adding thereto the following subsection:

- (3) The Lieutenant Governor in Council may make Regulations
for facilities
established
by
Minister regulations authorizing the Minister to establish, maintain and operate facilities for the prevention and treatment of tuberculous disease and governing their establishment, operation and use.

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Sanatoria for Consumptives* Short title *Amendment Act, 1961-62.*

An Act to amend
The Sanatoria for Consumptives Act

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

December 11th, 1961

MR. DYMOND

BILL 31

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Air Pollution Control Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The amendment will provide for the appointment of a committee to be known as The Air Pollution Advisory Committee. The Committee will consider and report upon air pollution matters.

BILL 31

1961-62

**An Act to amend
The Air Pollution Control Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Air Pollution Control Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 12,
amended

2a. The Lieutenant Governor in Council may make Advisory
committee regulations providing for the establishment of a committee to be known as The Air Pollution Advisory Committee and prescribing its powers and duties.

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Air Pollution Control* Short title *Amendment Act, 1961-62.*

An Act to amend
The Air Pollution Control Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 31

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Air Pollution Control Act

MR. DYMOND

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The amendment will provide for the appointment of a committee to be known as The Air Pollution Advisory Committee. The Committee will consider and report upon air pollution matters.

BILL 31

1961-62

**An Act to amend
The Air Pollution Control Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Air Pollution Control Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 12,
amended
- 2a. The Lieutenant Governor in Council may make Advisory
committee regulations providing for the establishment of a committee to be known as The Air Pollution Advisory Committee.
2. This Act comes into force on the day it receives Royal Commence-
ment Assent.
3. This Act may be cited as *The Air Pollution Control* Short title *Amendment Act, 1961-62.*

An Act to amend
The Air Pollution Control Act

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

MR. DYMOND

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 31

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Air Pollution Control Act

MR. DYMOND

BILL 31

1961-62

**An Act to amend
The Air Pollution Control Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Air Pollution Control Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 12,
amended
- 2a. The Lieutenant Governor in Council may make Advisory
committee regulations providing for the establishment of a committee to be known as The Air Pollution Advisory Committee.
2. This Act comes into force on the day it receives Royal Commence-
ment Assent.
3. This Act may be cited as *The Air Pollution Control Amendment Act, 1961-62*. Short title

An Act to amend
The Air Pollution Control Act

1st Reading

November 28th, 1961

2nd Reading

December 1st, 1961

3rd Reading

December 11th, 1961

MR. DYMOND

BILL 32

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Cancer Act

MR. DYMOND

EXPLANATORY NOTE

The amendments will authorize the Lieutenant Governor in Council to appoint as a member of The Ontario Cancer Institute a person representing the Toronto Wellesley Hospital, and, in addition, will authorize the Lieutenant Governor in Council to appoint three members representing the University of Toronto instead of two members as at present.

An Act to amend The Cancer Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Cancer Act* is amended ^{R.S.O. 1960, c. 45, s. 17, subs. 1, amended} by striking out "twelve" in the first line and inserting in lieu thereof "fourteen", by striking out "two" in the first line of clause *b* and inserting in lieu thereof "three" and by adding thereto the following clause:

- (*h*) one person representing the Board of Governors of the Toronto Wellesley Hospital,

so that the subsection shall read as follows:

- (1) The Institute shall consist of fourteen persons ^{Members} appointed by the Lieutenant Governor in Council, namely,
 - (*a*) five persons representing the Foundation, one of whom shall be the chairman of the Foundation;
 - (*b*) three persons representing The Governors of the University of Toronto;
 - (*c*) one person representing the Board of Trustees of the Toronto General Hospital;
 - (*d*) one person representing the Board of Trustees of The Hospital for Sick Children;
 - (*e*) one person representing the governing body of St. Michael's Hospital;
 - (*f*) one person representing the Board of Governors of The Toronto Western Hospital;

(g) one person representing the Board of Governors of the Women's College Hospital;

(h) one person representing the Board of Governors of the Toronto Wellesley Hospital,

who shall hold office during pleasure.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Cancer Amendment Act, 1961-62*.

An Act to amend The Cancer Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 32

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Cancer Act

MR. DYMOND

An Act to amend The Cancer Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Cancer Act* is amended ^{R.S.O. 1960,} by striking out "twelve" in the first line and inserting in ^{c. 45, s. 17,} lieu thereof "fourteen", by striking out "two" in the first ^{subs. 1,} line of clause *b* and inserting in lieu thereof "three" and by ^{amended} adding thereto the following clause:

- (h) one person representing the Board of Governors of the Toronto Wellesley Hospital,

so that the subsection shall read as follows:

- (1) The Institute shall consist of fourteen persons ^{Members} appointed by the Lieutenant Governor in Council, namely,
 - (a) five persons representing the Foundation, one of whom shall be the chairman of the Foundation;
 - (b) three persons representing The Governors of the University of Toronto;
 - (c) one person representing the Board of Trustees of the Toronto General Hospital;
 - (d) one person representing the Board of Trustees of The Hospital for Sick Children;
 - (e) one person representing the governing body of St. Michael's Hospital;
 - (f) one person representing the Board of Governors of The Toronto Western Hospital;

(g) one person representing the Board of Governors of the Women's College Hospital;

(h) one person representing the Board of Governors of the Toronto Wellesley Hospital,

who shall hold office during pleasure.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Cancer Amendment Act, 1961-62*.

An Act to amend The Cancer Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

December 11th, 1961

MR. DYMOND

BILL 33

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Department of Education Act

MR. ROBARTS

EXPLANATORY NOTE

SECTIONS 1 and 2. The amendments provide for the registration and inspection of private schools.

An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Department of Education Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 94, s. 1,
amended

- (cc) "private school" means a school at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any day other than a school holiday for five or more pupils of compulsory school age, whether or not instruction is also provided for pupils of other ages, in any of the subjects of the elementary or secondary school courses of study, except a school operated by the Government of Ontario or by an elementary or secondary school board or a board of education.

2. *The Department of Education Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 94,
amended

- 19.—(1) No private school shall be operated in Ontario after the 1st day of September, 1962, unless it is registered in accordance with this section. Registration
of private
schools
- (2) Every private school shall be registered with the Department on or before the 1st day of September in the year 1962 and on or before the 1st day of September in each year thereafter. Time for
registration
- (3) Application for registration shall be in such form and with such particulars as the Minister may require. Application
- (4) Where a private school is operated in contravention of subsection 1, Offence to
operate
private
school
without
registration

- (a) all persons concerned in the management of such school are severally guilty of an offence and on summary conviction are liable; or
- (b) where the school is operated by a corporation, the corporation is guilty of an offence and on summary conviction is liable,

to a fine of not more than \$25 for every day such school is operated in contravention of subsection 1.

Return

- (5) The principal, headmaster or person in charge of a private school shall make a return to the Department furnishing such statistical information regarding enrolment, staff, courses of study and other information as and when required by the Minister, and any such person who fails to make such return within sixty days of the request of the Minister is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Inspection of school

- (6) The Minister may direct one or more school inspectors to inspect a private school, in which case each such inspector may enter the school at all reasonable hours and conduct an inspection of the school and any records or documents relating thereto, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Inspection on request

- (7) The Minister may, on the request of any person operating a private school, provide for inspection of the school in respect of the qualifications of the teachers and the standard of instruction in the subjects of grades 11 and 12 of the course or courses leading to the secondary school graduation diploma and may determine and levy a fee for this service.

Offence for false statement

- (8) Every person who knowingly makes a false statement in an application for registration or an information return under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Department of Education Amendment Act, 1961-62*.

An Act to amend
The Department of Education Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBARTS

BILL 33

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Department of Education Act

MR. ROBARTS

An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Department of Education Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 94, s. 1,
amended

(ca) "private school" means a school at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any day other than a school holiday for five or more pupils of compulsory school age, whether or not instruction is also provided for pupils of other ages, in any of the subjects of the elementary or secondary school courses of study, except a school operated by the Government of Ontario or by an elementary or secondary school board or a board of education.

2. *The Department of Education Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 94,
amended

19.—(1) No private school shall be operated in Ontario after the 1st day of September, 1962, unless it is registered in accordance with this section. Registration
of private
schools

(2) Every private school shall be registered with the Department on or before the 1st day of September in the year 1962 and on or before the 1st day of September in each year thereafter. Time for
registration

(3) Application for registration shall be in such form and with such particulars as the Minister may require. Application

(4) Where a private school is operated in contravention of subsection 1, Offence to
operate
private
school
without
registration

(a) all persons concerned in the management of such school are severally guilty of an offence and on summary conviction are liable; or

(b) where the school is operated by a corporation, the corporation is guilty of an offence and on summary conviction is liable,

to a fine of not more than \$25 for every day such school is operated in contravention of subsection 1.

Return

- (5) The principal, headmaster or person in charge of a private school shall make a return to the Department furnishing such statistical information regarding enrolment, staff, courses of study and other information as and when required by the Minister, and any such person who fails to make such return within sixty days of the request of the Minister is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Inspection of school

- (6) The Minister may direct one or more school inspectors to inspect a private school, in which case each such inspector may enter the school at all reasonable hours and conduct an inspection of the school and any records or documents relating thereto, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Inspection on request

- (7) The Minister may, on the request of any person operating a private school, provide for inspection of the school in respect of the qualifications of the teachers and the standard of instruction in the subjects of grades 11 and 12 of the course or courses leading to the secondary school graduation diploma and may determine and levy a fee for this service.

Offence for false statement

- (8) Every person who knowingly makes a false statement in an application for registration or an information return under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Department of Education Amendment Act, 1961-62*.



THE UNIVERSITY OF MICHIGAN
JAN 10 1964

An Act to amend
The Department of Education Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

March 20th, 1962

MR. ROBARTS

BILL 34

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Schools Administration Act

MR. ROBARTS

EXPLANATORY NOTES

SECTION 1. At present, the definition of judge is only applicable to *The Secondary Schools and Boards of Education Act*. The amendment extends the definition to all school Acts.

SECTION 2—Subsection 1. At present, where a parent or guardian neglects to cause a child to attend school, the judge may require a bond conditioned that the parent or guardian shall cause the child to attend school after the expiration of five days. The amendment will require attendance as provided by the Act, which is every school day rather than at the expiration of five days.

Subsection 2. The new subsection creates an offence for children who are habitual truants, in order to provide a means of bringing such children and their parents or guardians before a juvenile court judge for counselling and correction.

BILL 34

1961-62

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 5 of subsection 2 of section 1 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 5,
re-enacted

5. "county judge" or "judge" means the judge of the county or district court of the county or district in which the school board concerned has jurisdiction and, where the school board has jurisdiction in two or more counties or districts, means the judge of the county or district court of the county or district in which the assessment of real property liable to rates for the purposes of the school board is the greatest according to the last revised assessment rolls.

2.—(1) Subsection 2 of section 15 of *The Schools Administration Act* is amended by striking out "after the expiration of five days, cause the child to attend school as required" in the fifth and sixth lines and inserting in lieu thereof "cause the child to attend school as required by this Part", so that the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 15,
subs. 2,
amended

- (2) The judge or magistrate may, instead of imposing a fine, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of \$100, with one or more sureties to be approved by the judge or magistrate, conditioned that the person shall cause the child to attend school as required by this Part. Bond for
attendance

(2) The said section 15 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 361, s. 15,
amended

Children
habitually
absent from
school

R.S.C. 1952,
c. 160

- (5) A child of compulsory school age who is habitually absent from school without being legally excused is guilty of an offence and on summary conviction is liable to the penalties provided for children adjudged to be juvenile delinquents under the *Juvenile Delinquents Act* (Canada), and the child and his parent or guardian may be summoned to appear before a judge of a juvenile and family court, and the judge has the same powers to deal with such child and his parent or guardian, including the imposition and payment of fines, as he has with respect to a juvenile delinquent and his parent or guardian under the *Juvenile Delinquents Act* (Canada).

Proceedings
under
subs. 5

- (6) Proceedings in respect of offences under subsection 5 shall be proceeded with only in accordance with such subsection.

R.S.O. 1960,
c. 361,
amended

3. The Schools Administration Act is amended by adding thereto the following section:

Business
adminis-
trator

- 36a.—(1) Where the average daily attendance of pupils in any year is 1,000 or more in the schools operated by a school board, the board may appoint a business administrator in the following year.

Duties

- (2) Where a board has appointed a business administrator, it shall assign to him the duties of treasurer and may assign to him the duties of secretary.

Assistants

- (3) Where the board appoints more than one business administrator, it shall designate one as senior business administrator and one or more of them as assistant business administrators.

R.S.O. 1960
c. 361, s. 43,
subs. 1,
re-enacted

4. Subsection 1 of section 43 of the Schools Administration Act is repealed and the following substituted therefor:

First
meetings

- (1) Except as otherwise provided in any Act,
- (a) where a board is elected or appointed on or after the 1st day of April in any year, it shall hold its first meeting at 8 p.m. on the second Wednesday in January of the following year; and
- (b) where a board is elected or appointed on or after the 1st day of January and before the 1st day of April in any year, it shall hold its

SECTION 3. The new section provides for the appointment of business administrators by school boards.

SECTION 4. Subsection 1 of section 43 at present provides for holding the first meetings of newly elected or appointed school boards at 7 p.m. on the second Wednesday in January. The subsection, as re-enacted, changes the hour to 8 p.m. and provides for meetings where a board is elected or appointed before or after the 1st day of January, and also gives the inspector authority to provide for a different time and date where warranted.

SECTION 5. The provisions for an allowance were transferred to *The Schools Administration Act* from *The Public Schools Act* and *The Secondary Schools and Boards of Education Act* during the revision of the statutes. The provision amended should, therefore, refer to section 36 of *The Schools Administration Act* instead of *The Public Schools Act* and *The Secondary Schools and Boards of Education Act*. It is amended accordingly.

first meeting at 8 p.m. on the second Wednesday following the election or appointment of the board.

(1a) Notwithstanding subsection 1, on the petition of ^{Inspector may provide} a majority of the trustees of a newly elected or ^{for calling first} appointed board, the inspector may provide for ^{meeting} calling the first meeting of the board at some other time and date.

(1b) A board shall be deemed to be appointed when a ^{When board deemed} majority of the members to be appointed has been ^{appointed} appointed.

5. Clause *a* of subsection 5 of section 50 of *The Schools Administration Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 361, s. 50, subs. 5, cl. a, re-enacted}

(a) prevents a trustee from receiving or being allowed an honorarium or allowance under section 36.

6. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

7. This Act may be cited as *The Schools Administration Amendment Act, 1961-62*. ^{Short title}

An Act to amend
The Schools Administration Act

1st Reading

November 28th, 1961

2nd Reading

3rd Reading

MR. ROBARTS

BILL 34

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Schools Administration Act

MR. ROBARTS

(Reprinted as amended by the Committee on Education)

EXPLANATORY NOTES

SECTION 1. At present, the definition of judge is only applicable to *The Secondary Schools and Boards of Education Act*. The amendment extends the definition to all school Acts.

SECTION 2—Subsection 1. At present, where a parent or guardian neglects to cause a child to attend school, the judge may require a bond conditioned that the parent or guardian shall cause the child to attend school after the expiration of five days. The amendment will require attendance as provided by the Act, which is every school day rather than at the expiration of five days.

Subsection 2. The new subsection creates an offence for children who are habitual truants, in order to provide a means of bringing such children and their parents or guardians before a juvenile court judge for counselling and correction.

BILL 34

1961-62

**An Act to amend
The Schools Administration Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 5 of subsection 2 of section 1 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 5,
re-enacted

5. "county judge" or "judge" means the judge of the county or district court of the county or district in which the school board concerned has jurisdiction and, where the school board has jurisdiction in two or more counties or districts, means the judge of the county or district court of the county or district in which the assessment of real property liable to rates for the purposes of the school board is the greatest according to the last revised assessment rolls.

2.—(1) Subsection 2 of section 15 of *The Schools Administration Act* is amended by striking out "after the expiration of five days, cause the child to attend school as required" in the fifth and sixth lines and inserting in lieu thereof "cause the child to attend school as required by this Part", so that the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 15
subs. 2,
amended

- (2) The judge or magistrate may, instead of imposing a fine, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of \$100, with one or more sureties to be approved by the judge or magistrate, conditioned that the person shall cause the child to attend school as required by this Part. Bond for
attendance

(2) The said section 15 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 361, s. 15,
amended

Children
habitually
absent from
school

R.S.C. 1952,
c. 160

- (5) A child of compulsory school age who is habitually absent from school without being legally excused is guilty of an offence and on summary conviction is liable to the penalties provided for children adjudged to be juvenile delinquents under the *Juvenile Delinquents Act* (Canada), and the child and his parent or guardian may be summoned to appear before a judge of a juvenile and family court, and the judge has the same powers to deal with such child and his parent or guardian, including the imposition and payment of fines, as he has with respect to a juvenile delinquent and his parent or guardian under the *Juvenile Delinquents Act* (Canada).

Proceedings
under
subs. 5

- (6) Proceedings in respect of offences under subsection 5 shall be proceeded with only in accordance with such subsection.

R.S.O. 1960,
c. 361,
amended

3. The Schools Administration Act is amended by adding thereto the following section:

Business
adminis-
trator

- 36a.—**(1) Where the board determines that at least one person should be employed full time to carry out the duties of a secretary or treasurer, it may appoint a business administrator.

Duties

- (2) A board may assign any of the duties of the secretary, treasurer and supervisor of maintenance of school buildings to a business administrator.

Status

- (3) Where a board appoints more than one business administrator, it may designate two or more with equal status or may designate one or more as assistant business administrators.

R.S.O. 1960,
c. 361, s. 43,
subs. 1,
re-enacted

4. Subsection 1 of section 43 of *The Schools Administration Act* is repealed and the following substituted therefor:

First
meetings

- (1) Except as otherwise provided in any Act,
- (a) where a board is elected or appointed on or after the 1st day of April in any year, it shall hold its first meeting at 8 p.m. on the second Wednesday in January of the following year; and
- (b) where a board is elected or appointed on or after the 1st day of January and before the 1st day of April in any year, it shall hold its

SECTION 3. The new section provides for the appointment of business administrators by school boards.

SECTION 4. Subsection 1 of section 43 at present provides for holding the first meetings of newly elected or appointed school boards at 7 p.m. on the second Wednesday in January. The subsection, as re-enacted, changes the hour to 8 p.m. and provides for meetings where a board is elected or appointed before or after the 1st day of January, and also gives the inspector authority to provide for a different time and date where warranted.

SECTION 5. The provisions for an allowance were transferred to *The Schools Administration Act* from *The Public Schools Act* and *The Secondary Schools and Boards of Education Act* during the revision of the statutes. The provision amended should, therefore, refer to section 36 of *The Schools Administration Act* instead of *The Public Schools Act* and *The Secondary Schools and Boards of Education Act*. It is amended accordingly.

first meeting at 8 p.m. on the second Wednesday following the election or appointment of the board.

- (1a) Notwithstanding subsection 1, on the petition of a majority of the trustees of a newly elected or appointed board, the inspector may provide for calling the first meeting of the board at some other time and date.

- (1b) A board shall be deemed to be appointed when a majority of the members to be appointed has been appointed.

5. Clause *a* of subsection 5 of section 50 of *The Schools Administration Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 50,
subs. 5,
cl. a,
re-enacted

- (a) prevents a trustee from receiving or being allowed an honorarium or allowance under section 36.

6. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

7. This Act may be cited as *The Schools Administration Amendment Act, 1961-62*.

Short title

An Act to amend
The Schools Administration Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

MR. ROBARTS

*(Reprinted as amended by the
Committee on Education)*

BILL 34

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Schools Administration Act

MR. ROBARTS

BILL 34

1961-62

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 5 of subsection 2 of section 1 of *The Schools Administration Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 5,
re-enacted

5. "county judge" or "judge" means the judge of the county or district court of the county or district in which the school board concerned has jurisdiction and, where the school board has jurisdiction in two or more counties or districts, means the judge of the county or district court of the county or district in which the assessment of real property liable to rates for the purposes of the school board is the greatest according to the last revised assessment rolls.

2.—(1) Subsection 2 of section 15 of *The Schools Administration Act* is amended by striking out "after the expiration of five days, cause the child to attend school as required" in the fifth and sixth lines and inserting in lieu thereof "cause the child to attend school as required by this Part", so that the subsection shall read as follows:

R.S.O. 1960,
c. 361, s. 15,
subs. 2,
amended

- (2) The judge or magistrate may, instead of imposing a fine, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of \$100, with one or more sureties to be approved by the judge or magistrate, conditioned that the person shall cause the child to attend school as required by this Part.

Bond for
attendance

(2) The said section 15 is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 361, s. 15,
amended

Children
habitually
absent from
school

R.S.C. 1952,
c. 160

- (5) A child of compulsory school age who is habitually absent from school without being legally excused is guilty of an offence and on summary conviction is liable to the penalties provided for children adjudged to be juvenile delinquents under the *Juvenile Delinquents Act* (Canada), and the child and his parent or guardian may be summoned to appear before a judge of a juvenile and family court, and the judge has the same powers to deal with such child and his parent or guardian, including the imposition and payment of fines, as he has with respect to a juvenile delinquent and his parent or guardian under the *Juvenile Delinquents Act* (Canada).

Proceedings
under
subs. 5

- (6) Proceedings in respect of offences under subsection 5 shall be proceeded with only in accordance with such subsection.

R.S.O. 1960,
c. 361,
amended

3. *The Schools Administration Act* is amended by adding thereto the following section:

Business
adminis-
trator

- 36a.—(1) Where the board determines that at least one person should be employed full time to carry out the duties of a secretary or treasurer, it may appoint a business administrator.

Duties

- (2) A board may assign any of the duties of the secretary, treasurer and supervisor of maintenance of school buildings to a business administrator.

Status

- (3) Where a board appoints more than one business administrator, it may designate two or more with equal status or may designate one or more as assistant business administrators.

R.S.O. 1960,
c. 361, s. 43,
subs. 1,
re-enacted

4. Subsection 1 of section 43 of *The Schools Administration Act* is repealed and the following substituted therefor:

First
meetings

- (1) Except as otherwise provided in any Act,
- (a) where a board is elected or appointed on or after the 1st day of April in any year, it shall hold its first meeting at 8 p.m. on the second Wednesday in January of the following year; and
- (b) where a board is elected or appointed on or after the 1st day of January and before the 1st day of April in any year, it shall hold its

first meeting at 8 p.m. on the second Wednesday following the election or appointment of the board.

(1a) Notwithstanding subsection 1, on the petition of a majority of the trustees of a newly elected or appointed board, the inspector may provide for calling the first meeting of the board at some other time and date.

(1b) A board shall be deemed to be appointed when a majority of the members to be appointed has been appointed.

5. Clause *a* of subsection 5 of section 50 of *The Schools Administration Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 50,
subs. 5,
cl. *a*,
re-enacted

(a) prevents a trustee from receiving or being allowed an honorarium or allowance under section 36.

6. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

7. This Act may be cited as *The Schools Administration Amendment Act, 1961-62*.

Short title

1. The purpose of this study is to determine the effect of the use of the computer on the learning of the English language.

An Act to amend
The Schools Administration Act

1st Reading

November 28th, 1961

2nd Reading

December 4th, 1961

3rd Reading

March 30th, 1962

MR. ROBARTS

BILL 35

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Public Health Act

MR. DYMOND

EXPLANATORY NOTE

The amendment is designed to clarify the authority of boards of health to maintain and operate facilities for immunization and other public health activities of a similar character.

BILL 35

1961-62

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Public Health Act* is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 321, s. 6,
amended

17a. authorizing local boards to establish, maintain and operate such facilities for community health services as are prescribed and governing their establishment, operation and use. community
health
services

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Public Health Amendment Act, 1961-62*. Short title

An Act to amend
The Public Health Act

1st Reading

November 30th, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 35

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Public Health Act

MR. DYMOND

BILL 35

1961-62

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Public Health Act* is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 321, s. 6,
amended

17a. authorizing local boards to establish, maintain and operate such facilities for community health services as are prescribed and governing their establishment, operation and use.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Public Health Amendment Act, 1961-62*. Short title

An Act to amend
The Public Health Act

1st Reading

November 30th, 1961

2nd Reading

December 4th, 1961

3rd Reading

December 11th, 1961

MR. DYMOND

BILL 36

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Power Commission Act

MR. MACAULAY

EXPLANATORY NOTE

Self-explanatory

BILL 36

1961-62

**An Act to amend
The Power Commission Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Power Commission Act* ^{R.S.O. 1960, c. 300, s. 2, subs. 1, amended} is amended by striking out "and one of whom shall be a member" in the fourth and fifth lines, so that the subsection shall read as follows:

- (1) The Commission shall continue to be a body corporate, and shall consist of not less than three and not more than six persons appointed by the Lieutenant Governor in Council, two of whom may be members of the Executive Council. ^{Commission}

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Power Commission Amendment Act, 1961-62* (No. 2). ^{Short title}

An Act to amend
The Power Commission Act

1st Reading

December 1st, 1961

2nd Reading

3rd Reading

MR. MACAULAY

BILL 36

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Power Commission Act

MR. MACAULAY

na

BILL 36

1961-62

**An Act to amend
The Power Commission Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Power Commission Act* ^{R.S.O. 1960, c. 300, s. 2, subs. 1, amended} is amended by striking out "and one of whom shall be a member" in the fourth and fifth lines, so that the subsection shall read as follows:

(1) The Commission shall continue to be a body corporate, and shall consist of not less than three and not more than six persons appointed by the Lieutenant Governor in Council, two of whom may be members of the Executive Council. ^{Commission}

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Power Commission Amendment Act, 1961-62* (No. 2). ^{Short title}

An Act to amend
The Power Commission Act

1st Reading

December 1st, 1961

2nd Reading

March 20th, 1962

3rd Reading

March 30th, 1962

MR. MACAULAY

BILL 37

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Election Act

MR. BRYDEN

EXPLANATORY NOTE

The purpose of this Bill is to require central party organizations to file audited statements of their receipts and expenditures on account of election campaigns with the Chief Election Officer, so that they will be available for public inspection.

BILL 37

1961-62

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Election Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 118,
amended

192a.—(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of the central organization of a political interest represented in the election by more than twenty candidates shall, within six months after the election, be made out by the treasurer or other officer responsible for the accounts of such central organization, audited by a member of The Institute of Chartered Accountants of Ontario or The Certified Public Accountants Association of Ontario and delivered as audited to the Chief Election Officer. Statement
of election
contribu-
tions,
expenses,
etc.

(2) Every treasurer or other officer who is in default of delivering an audited statement under subsection 1 is liable to a fine not exceeding \$25 for every day during which he is in default. Penalty for
default in
delivering
statement

192b. The Chief Election Officer shall preserve all such statements and shall, during the six months following their delivery to him, permit any voter to inspect them upon payment of a fee of 25 cents. Preservation
and inspec-
tion of
statement

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Election Amendment Act*, Short title 1961-62. Short title

An Act to amend The Election Act

1st Reading

December 4th, 1961

2nd Reading

3rd Reading

MR. BRYDEN

BILL 38

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Hours of Work and Vacations with Pay Act

MR. GIBBORN

EXPLANATORY NOTE

The purpose of this Bill is to increase the mandatory vacation with pay period from one week a year to two weeks a year during the first five years on the job and to three weeks a year thereafter.

BILL 38

1961-62

An Act to amend The Hours of Work and Vacations with Pay Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2, 3 and 4 of section 2 of *The Hours of Work and Vacations with Pay Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 181, s. 2,
subss. 2-4,
re-enacted

- (2) Every employee in an industrial undertaking is entitled, Vacation
with pay
 - (a) after each year of his employment with any one employer, during the first five years of such employment, to a vacation of at least two weeks with pay;
 - (b) after each year of his employment with any one employer, after the first five years of such employment, to a vacation of at least three weeks with pay.
- (3) The vacation pay shall be the average wage of the employee during the year immediately preceding the date upon which the vacation commences for the period of the vacation. Calculation
of vacation
pay
- (4) The employer may determine the period when the employee may take the vacation provided for in subsection 1, but the period shall not be later than ten months after the end of the work year to which the vacation relates. When
vacation
to be taken
- (5) Subject to subsection 4, where an employee who is entitled to a vacation of two weeks wishes to take his vacation, Vacation
pay, when
payable
 - (a) in one period of two weeks, his vacation pay shall be paid to him in full by his employer

during the fourteen days immediately preceding the commencement of his vacation; or

- (b) in two periods of one week each, one-half of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of each of the two periods.

Idem

- (6) Subject to subsection 4, where an employee who is entitled to a vacation of three weeks wishes to take his vacation,

- (a) in one period of three weeks, his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of his vacation;

- (b) in one period of two weeks and one period of one week,

- (i) two-thirds of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period of two weeks, and

- (ii) one-third of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period of one week;

- (c) in three periods of one week each, one-third of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of each of the three periods; or

- (d) in two periods of more than one week but less than two weeks each, the sum that bears the same proportion to his vacation pay as the number of days comprising the period bears to twenty-one shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period to which the pay relates.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1961-62*.

An Act to amend The Hours of Work
and Vacations with Pay Act

1st Reading

December 5th, 1961

2nd Reading

3rd Reading

MR. GISBORN

BILL 39

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Department of Labour Act

MR. WARRENDER

EXPLANATORY NOTE

The purpose of this Bill is to create the Ontario Safety Council.

BILL 39

1961-62

An Act to amend The Department of Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Labour Act* is amended by adding thereto the following section: R.S.O. 1960.
c. 97,
amended

- 9a.—(1) There shall be a council to be known as the Ontario
Safety
Council Ontario Safety Council consisting of three or more persons as the Lieutenant Governor in Council determines.
- (2) The Lieutenant Governor in Council shall appoint Appointment
of
members the members of the Ontario Safety Council and shall designate one of the members as chairman.
- (3) Where a vacancy occurs in the membership of the Vacancies Ontario Safety Council from any cause, it may be filled by the Lieutenant Governor in Council.
- (4) The members of the Ontario Safety Council may be Remunera-
tion paid remuneration and expenses at such rates as are determined by the Lieutenant Governor in Council, and the amounts thereof shall, until the 31st day of March, 1962, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.
- (5) It is the function of the Ontario Safety Council, upon Function the request of the Minister, to inquire into and advise him upon any matter respecting the safety of workers, and, without restricting the generality of the foregoing, to inquire into and advise him upon any of the laws respecting the safety of workers with a view to the improvement, clarification or extension of the existing laws or the enactment of new laws, or to inquire into and advise him upon any matter

designed to co-ordinate the functions of all bodies concerned with the safety of workers.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Department of Labour Amendment Act, 1961-62*.



An Act to amend
The Department of Labour Act

1st Reading

December 7th, 1961

2nd Reading

3rd Reading

MR. WARRENDER

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Department of Labour Act

MR. WARRENDER

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The purpose of this Bill is to create the Labour Safety Council of Ontario.

BILL 39

1961-62

An Act to amend The Department of Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Labour Act* is amended by adding thereto the following section: R.S.O. 1960.
c. 97,
amended

- 9a.—(1) There shall be a council to be known as the Labour Safety Council of Ontario consisting of three Labour
Safety
Council of
Ontario or more persons as the Lieutenant Governor in Council determines.
- (2) The Lieutenant Governor in Council shall appoint Appointment
of
members the members of the Labour Safety Council of Ontario and shall designate one of the members as chairman.
- (3) Where a vacancy occurs in the membership of the Vacancies Labour Safety Council of Ontario from any cause, it may be filled by the Lieutenant Governor in Council.
- (4) The members of the Labour Safety Council of Ontario Remunera-
tion may be paid remuneration and expenses at such rates as are determined by the Lieutenant Governor in Council, and the amounts thereof shall, until the 31st day of March, 1962, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.
- (5) It is the function of the Labour Safety Council of Ontario, Function upon the request of the Minister, to inquire into and advise him upon any matter respecting the safety of workers, and, without restricting the generality of the foregoing, to inquire into and advise him upon any of the laws respecting the safety of workers with a view to the improvement,

clarification or extension of the existing laws or the enactment of new laws, or to inquire into and advise him upon any matter designed to co-ordinate the functions of all bodies concerned with the safety of workers.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Department of Labour Amendment Act, 1961-62*.

An Act to amend
The Department of Labour Act

1st Reading

December 7th, 1961

2nd Reading

December 13th, 1961

3rd Reading

MR. WARRENDER

(Reprinted as amended by the
Committee of the Whole House)

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Department of Labour Act

MR. WARRENDER

BILL 39

1961-62

An Act to amend The Department of Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Labour Act* is amended by adding thereto the following section: R.S.O. 1960.
c. 97,
amended

- 9a.—(1) There shall be a council to be known as the ^{Labour} Labour Safety Council of Ontario consisting of three ^{Safety} or more persons as the Lieutenant Governor in ^{Council of} Council determines. ^{Ontario}
- (2) The Lieutenant Governor in Council shall appoint ^{Appointment} the members of the Labour Safety Council of Ontario ^{of} and shall designate one of the members as chairman. ^{members}
- (3) Where a vacancy occurs in the membership of the ^{Vacancies} Labour Safety Council of Ontario from any cause, it may be filled by the Lieutenant Governor in Council.
- (4) The members of the Labour Safety Council of ^{Remunera-} Ontario may be paid remuneration and expenses at such rates as are determined by the Lieutenant Governor in Council, and the amounts thereof shall, until the 31st day of March, 1962, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose. ^{tion}
- (5) It is the function of the Labour Safety Council of ^{Function} Ontario, upon the request of the Minister, to inquire into and advise him upon any matter respecting the safety of workers, and, without restricting the generality of the foregoing, to inquire into and advise him upon any of the laws respecting the safety of workers with a view to the improvement,

clarification or extension of the existing laws or the enactment of new laws, or to inquire into and advise him upon any matter designed to co-ordinate the functions of all bodies concerned with the safety of workers.

Commence-
ment **2.** This Act comes into force on the day it receives Royal Assent.

Short title **3.** This Act may be cited as *The Department of Labour Amendment Act, 1961-62.*

An Act to amend
The Department of Labour Act

1st Reading

December 7th, 1961

2nd Reading

December 13th, 1961

3rd Reading

December 15th, 1961

MR. WARRENDER

BILL 40

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Vital Statistics Act

MR. YAREMKO

EXPLANATORY NOTE

This amendment will bring the definition into line with that of five other provinces of Canada, thus making the statistics compiled by the Dominion Bureau of Statistics and the World Health Organization more valuable for comparative purposes.

BILL 40

1961-62

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *v* of section 1 of *The Vital Statistics Act* is amended by striking out "twenty-eighth" in the second line and inserting in lieu thereof "twentieth", so that the clause shall read as follows: R.S.O. 1960,
c. 419, s. 1,
cl. v, **amended**

- (*v*) "still-birth" means the complete expulsion or extraction from its mother after the twentieth week of pregnancy of a foetus that did not at any time after being completely expelled or extracted from the mother breathe or show any other sign of life.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Vital Statistics Amendment Act, 1961-62*. Short title

An Act to amend
The Vital Statistics Act

1st Reading

December 7th, 1961

2nd Reading

3rd Reading

MR. YAREMKO

BILL 40

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Vital Statistics Act

MR. YAREMKO

BILL 40

1961-62

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *v* of section 1 of *The Vital Statistics Act* is amended ^{R.S.O. 1960, c. 419, s. 1, cl. *v*, amended} by striking out "twenty-eighth" in the second line and inserting in lieu thereof "twentieth", so that the clause shall read as follows:

(*v*) "still-birth" means the complete expulsion or extraction from its mother after the twentieth week of pregnancy of a foetus that did not at any time after being completely expelled or extracted from the mother breathe or show any other sign of life.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

3. This Act may be cited as *The Vital Statistics Amendment* ^{Short title} Act, 1961-62.

An Act to amend
The Vital Statistics Act

1st Reading

December 7th, 1961

2nd Reading

December 13th, 1961

3rd Reading

December 15th, 1961

MR. YAREMKO

BILL 41

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Corporations Act

MR. YAREMKO

EXPLANATORY NOTES

SECTION 1. The intent of this section is clarified. No change in principle.

SECTION 2. The intent of the provision is clarified.

SECTION 3. This amendment is designed to make it clear that "property" includes and always has included all property of the company, both present and future.

SECTION 4. This new section is self-explanatory. It will cover the reverse of the situation now covered in section 323 (3) of the Act.

BILL 41

1961-62

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 11, re-enacted

11. A corporation comes into existence on the date of the letters patent incorporating it. Commencement of existence

2. Subsection 7 of section 27 of *The Corporations Act* is amended by striking out "Except as provided in subsections 8 and 9" in the first line and by inserting after "shall" in the fifth line "except as provided in subsections 8 and 9", so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 27, subs. 7, amended

(7) Where the preference shares of a class are made redeemable by the letters patent or supplementary letters patent and where at any time some but not all of such shares are to be redeemed, the shares to be redeemed shall, except as provided in subsections 8 and 9, be selected by lot in such manner as the board of directors determines or as nearly as may be in proportion to the number of shares registered in the name of each shareholder. Redemption of part

3. Section 58 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 58, amended

(1a) The expression "property of the company" in subsection 1 and in every predecessor thereof includes and has included always both present and future property of the company. Interpretation

4. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 71, amended

323a.—(1) A corporation incorporated under the laws of Ontario may, if authorized by a special resolution, Transfer of Ontario corporations

by the Provincial Secretary and by the laws of any other jurisdiction in Canada, apply to the proper officer of that other jurisdiction for an instrument of continuation continuing the corporation as if it had been incorporated under the laws of that other jurisdiction.

- | | |
|-------------------|---|
| Notice | (2) The corporation shall file with the Provincial Secretary a notice of the issue of the instrument of continuation and on and after the date of the filing of such instrument this Act ceases to apply to that corporation. |
| Application | (3) This section applies only to a jurisdiction that has legislation in force that permits corporations incorporated under its laws to apply for an instrument of continuation under the laws of Ontario. |
| Commence-
ment | 5. —(1) This Act, except section 4, comes into force on the day it receives Royal Assent. |
| Idem | (2) Section 4 comes into force on a day to be named by the Lieutenant Governor by his proclamation. |
| Short title | 6. This Act may be cited as <i>The Corporations Amendment Act, 1961-62</i> . |

An Act to amend
The Corporations Act

1st Reading

December 7th, 1961

2nd Reading

3rd Reading

MR. YAREMKO

BILL 41

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Corporations Act

MR. YAREMKO

BILL 41

1961-62

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 11, re-enacted

11. A corporation comes into existence on the date of the letters patent incorporating it. Commencement of existence

2. Subsection 7 of section 27 of *The Corporations Act* is amended by striking out "Except as provided in subsections 8 and 9" in the first line and by inserting after "shall" in the fifth line "except as provided in subsections 8 and 9", so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 27, subs. 7, amended

(7) Where the preference shares of a class are made redeemable by the letters patent or supplementary letters patent and where at any time some but not all of such shares are to be redeemed, the shares to be redeemed shall, except as provided in subsections 8 and 9, be selected by lot in such manner as the board of directors determines or as nearly as may be in proportion to the number of shares registered in the name of each shareholder. Redemption of part

3. Section 58 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 58, amended

(1a) The expression "property of the company" in subsection 1 and in every predecessor thereof includes and has included always both present and future property of the company. Interpretation

4. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 71, amended

323a.—(1) A corporation incorporated under the laws of Ontario may, if authorized by a special resolution, Transfer of Ontario corporations

by the Provincial Secretary and by the laws of any other jurisdiction in Canada, apply to the proper officer of that other jurisdiction for an instrument of continuation continuing the corporation as if it had been incorporated under the laws of that other jurisdiction.

- | | |
|-------------------|---|
| Notice | (2) The corporation shall file with the Provincial Secretary a notice of the issue of the instrument of continuation and on and after the date of the filing of such instrument this Act ceases to apply to that corporation. |
| Application | (3) This section applies only to a jurisdiction that has legislation in force that permits corporations incorporated under its laws to apply for an instrument of continuation under the laws of Ontario. |
| Commence-
ment | 5. —(1) This Act, except section 4, comes into force on the day it receives Royal Assent. |
| Idem | (2) Section 4 comes into force on a day to be named by the Lieutenant Governor by his proclamation. |
| Short title | 6. This Act may be cited as <i>The Corporations Amendment Act, 1961-62</i> . |

An Act to amend
The Corporations Act

1st Reading

December 7th, 1961

2nd Reading

December 13th, 1961

3rd Reading

December 15th, 1961

MR. YAREMKO

BILL 42

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Corporations Information Act

MR. YAREMKO

EXPLANATORY NOTES

Subsection *5a* restores a requirement that existed prior to 1953. It is considered necessary in order that up-to-date information as to directors of corporations will be on file.

Subsection *5b* is new. It is considered necessary in order that up-to-date information as to changes in the authorized capital structure of corporations will be on file.

Subsections *5c* and *5d* are extensions of a principle of the present Act that applies only to certain types of corporations. As extended, the principle will apply to all corporations.

BILL 42

1961-62

An Act to amend The Corporations Information Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Corporations Information Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 72, s. 3,
amended

- (5a) Every corporation to which subsection 1 applies shall file with the Provincial Secretary a notice of every change in the membership of its board of directors within fifteen days after the change has taken place, and the notice shall specify the date upon which each person became a director or ceased to be a director, as the case may be. Changes in
board of
directors
- (5b) Where preference shares of a class are redeemed or purchased for cancellation or converted into another class or classes of shares or into securities by a corporation with share capital to which subsection 1 applies, the corporation shall, within thirty days of the date on which the redemption, purchase or conversion is effected, file with the Provincial Secretary a notice setting out, Change in
authorized
capital
- (a) the number of shares of the class redeemed or purchased for cancellation or converted;
 - (b) the number and class or classes of shares or securities into which the shares were converted; and
 - (c) the date on which the redemption, purchase or conversion was effected.
- (5c) Every corporation to which subsection 1 applies, Representa-
tion in
Ontario
- (a) incorporated under the law of Ontario, within thirty days of the date of its incorporation;

R.S.O. 1960,
c. 71

- (b) which is not required to be licensed under Part IX of *The Corporations Act*, within thirty days after it establishes its head or other office in Ontario or commences to carry on business or a part thereof in Ontario;
- (c) which is required to be licensed under Part IX of *The Corporations Act*, subject to that Part and before it establishes its head or other office or commences to carry on business or a part thereof in Ontario,

shall file with the Provincial Secretary a power of attorney duly executed under the seal of the corporation appointing a person resident in Ontario, or a corporation having its head office in Ontario, to be the attorney and representative in Ontario of the corporation and the consent of the attorney to act as such, together with an affidavit or statutory declaration verifying the execution of the consent.

Idem

- (5d) The power of attorney mentioned in subsection 5c shall,

- (a) include words expressly authorizing the attorney to act as such, and to sue and to be sued, plead and be impleaded in any court in Ontario, and generally on behalf of the corporation within Ontario to accept service of process and to receive all lawful notices and, for the purposes of the corporation, to do all acts and to execute all deeds and other instruments relating to the matters within the scope of the power of attorney; and
- (b) provide that, until due lawful notice of the appointment of another and subsequent attorney has been given to and accepted by the Provincial Secretary, service of process or of papers and notices upon the person or corporation mentioned in the original or other power last filed with the Provincial Secretary shall be accepted by the corporation as sufficient service.

Commence-
ment

- 2. This Act comes into force on the 1st day of July, 1962.

Short title

- 3. This Act may be cited as *The Corporations Information Amendment Act, 1961-62*.

An Act to amend
The Corporations Information Act

1st Reading

December 7th, 1961

2nd Reading

3rd Reading

MR. YAREMKO

BILL 42

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Corporations Information Act

MR. YAREMKO

(Reprinted for consideration by the Committee of the Whole House)

EXPLANATORY NOTES

Subsection 5*a* restores a requirement that existed prior to 1953. It is considered necessary in order that up-to-date information as to directors of corporations will be on file.

Subsection 5*b* is new. It is considered necessary in order that up-to-date information as to changes in the authorized capital structure of corporations will be on file.

Subsections 5*c* and 5*d* are extensions of a principle of the present Act that applies only to certain types of corporations. As extended, the principle will apply to all corporations.

An Act to amend The Corporations Information Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Corporations Information Act* is amended R.S.O. 1960,
c. 72, s. 3,
amended by adding thereto the following subsections:

(5a) Every corporation to which subsection 1 applies shall Changes in
board of
directors file with the Provincial Secretary a notice of every change in the membership of its board of directors within fifteen days after the change has taken place, and the notice shall specify the date upon which each person became a director or ceased to be a director, as the case may be.

(5b) Where preference shares of a class are redeemed or Change in
authorized
capital purchased for cancellation or converted into another class or classes of shares or into securities by a corporation with share capital to which subsection 1 applies, the corporation shall, within thirty days of the date on which the redemption, purchase or conversion is effected, file with the Provincial Secretary a notice setting out,

- (a) the number of shares of the class redeemed or purchased for cancellation or converted;
- (b) the number and class or classes of shares or securities into which the shares were converted; and
- (c) the date on which the redemption, purchase or conversion was effected.

(5c) Every corporation to which subsection 1 applies and Representa-
tion in
Ontario

- (a) that is incorporated under the law of Ontario, within thirty days after the 1st day of July,

1962, if its incorporation occurred before that day, or within thirty days after the date of its incorporation, if its incorporation occurred on or after that day;

R.S.O. 1960,
c. 71

- (b) that is not required to be licensed under Part IX of *The Corporations Act* and that has established its head or other office in Ontario or has commenced to carry on business or a part thereof in Ontario before the 1st day of July, 1962, within thirty days after that day, or that establishes its head or other office in Ontario or commences to carry on business or a part thereof in Ontario on or after that day, within thirty days after such establishment or commencement; or
- (c) that is required to be licensed under Part IX of *The Corporations Act*, subject to that Part and before it establishes its head or other office or commences to carry on business or a part thereof in Ontario,

shall file with the Provincial Secretary a power of attorney duly executed under the seal of the corporation appointing a person resident in Ontario, or a corporation having its head office in Ontario, to be the attorney and representative in Ontario of the corporation and the consent of the attorney to act as such, together with an affidavit or statutory declaration verifying the execution of the consent.

Idem

(5d) The power of attorney mentioned in subsection 5c shall,

- (a) include words expressly authorizing the attorney to act as such, and to sue and to be sued, plead and be impleaded in any court in Ontario, and generally on behalf of the corporation within Ontario to accept service of process and to receive all lawful notices and, for the purposes of the corporation, to do all acts and to execute all deeds and other instruments relating to the matters within the scope of the power of attorney; and
- (b) provide that, until due lawful notice of the appointment of another and subsequent attorney has been given to and accepted by the Provincial Secretary, service of process or of

papers and notices upon the person or corporation mentioned in the original or other power last filed with the Provincial Secretary shall be accepted by the corporation as sufficient service.

2. This Act comes into force on the 1st day of July, 1962. Commence-
ment

3. This Act may be cited as *The Corporations Information* Short title
Amendment Act, 1961-62.

An Act to amend
The Corporations Information Act

. *1st Reading*

December 7th, 1961

2nd Reading

December 13th, 1961

3rd Reading

MR. YAREMKO

(Reprinted for consideration by the
Committee of the Whole House)

BILL 42

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Corporations Information Act

MR. YAREMKO

1/nt

BILL 42

1961-62

An Act to amend The Corporations Information Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Corporations Information Act* is amended R.S.O. 1960,
c. 72, s. 3,
amended by adding thereto the following subsections:

- (5a) Every corporation to which subsection 1 applies shall Changes in
board of
directors file with the Provincial Secretary a notice of every change in the membership of its board of directors within fifteen days after the change has taken place, and the notice shall specify the date upon which each person became a director or ceased to be a director, as the case may be.
- (5b) Where preference shares of a class are redeemed or Change in
authorized
capital purchased for cancellation or converted into another class or classes of shares or into securities by a corporation with share capital to which subsection 1 applies, the corporation shall, within thirty days of the date on which the redemption, purchase or conversion is effected, file with the Provincial Secretary a notice setting out,
- (a) the number of shares of the class redeemed or purchased for cancellation or converted;
 - (b) the number and class or classes of shares or securities into which the shares were converted; and
 - (c) the date on which the redemption, purchase or conversion was effected.
- (5c) Every corporation to which subsection 1 applies and Representa-
tion in
Ontario
- (a) that is incorporated under the law of Ontario, within thirty days after the 1st day of July,

1962, if its incorporation occurred before that day, or within thirty days after the date of its incorporation, if its incorporation occurred on or after that day;

R.S.O. 1960,
c. 71

- (b) that is not required to be licensed under Part IX of *The Corporations Act* and that has established its head or other office in Ontario or has commenced to carry on business or a part thereof in Ontario before the 1st day of July, 1962, within thirty days after that day, or that establishes its head or other office in Ontario or commences to carry on business or a part thereof in Ontario on or after that day, within thirty days after such establishment or commencement; or
- (c) that is required to be licensed under Part IX of *The Corporations Act*, subject to that Part and before it establishes its head or other office or commences to carry on business or a part thereof in Ontario,

shall file with the Provincial Secretary a power of attorney duly executed under the seal of the corporation appointing a person resident in Ontario, or a corporation having its head office in Ontario, to be the attorney and representative in Ontario of the corporation and the consent of the attorney to act as such, together with an affidavit or statutory declaration verifying the execution of the consent.

Idem

- (5d) The power of attorney mentioned in subsection 5c shall,
 - (a) include words expressly authorizing the attorney to act as such, and to sue and to be sued, plead and be impleaded in any court in Ontario, and generally on behalf of the corporation within Ontario to accept service of process and to receive all lawful notices and, for the purposes of the corporation, to do all acts and to execute all deeds and other instruments relating to the matters within the scope of the power of attorney; and
 - (b) provide that, until due lawful notice of the appointment of another and subsequent attorney has been given to and accepted by the Provincial Secretary, service of process or of

papers and notices upon the person or corporation mentioned in the original or other power last filed with the Provincial Secretary shall be accepted by the corporation as sufficient service.

2. This Act comes into force on the 1st day of July, 1962. Commence-
ment

3. This Act may be cited as *The Corporations Information* Short title
Amendment Act, 1961-62.

An Act to amend
The Corporations Information Act

1st Reading

December 7th, 1961

2nd Reading

December 13th, 1961

3rd Reading

December 15th, 1961

MR. YAREMKO

BILL 43

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

The Income Tax Act, 1961-62

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTE

This Bill implements the fiscal arrangements made between Canada and Ontario with respect to individual income taxes.

The Act imposes a tax calculated as a percentage of the tax otherwise payable by individuals under the federal *Income Tax Act*.

The Act also provides for an agreement between Canada and Ontario whereby Canada, on behalf of Ontario, will collect the taxes imposed by the Act.

The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I — INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

1. "agreeing province" means a province that has entered into a collection agreement with the Government of Canada for the collection of tax under its income tax statute;
2. "amount" means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing;
3. "assessment" includes a re-assessment;
4. "business" includes a profession, calling, trade, manufacture or undertaking of any kind whatsoever and includes an adventure or concern in the nature of trade but does not include an office or employment;
5. "collection agreement" means an agreement entered into pursuant to subsection 1 of section 46;
6. "corporation" includes an incorporated company and a "corporation incorporated in Canada" includes a corporation incorporated in any part of Canada before or after it became part of Canada;
7. "deputy head" means the Deputy Provincial Treasurer, or, where a collection agreement is entered into, means the Deputy Minister of National Revenue for Taxation;

8. "employed" means performing the duties of an office or employment;
9. "employee" includes officer;
10. "employer", in relation to an officer, means the person from whom the officer receives his remuneration;
11. "Federal Act" means the *Income Tax Act* (Canada);
12. "Federal Regulations" means the regulations made pursuant to the Federal Act;
13. "fiscal period" means a fiscal period determined in accordance with and for the purposes of the Federal Act;
14. "income tax statute" means, with reference to an agreeing province, the law of that province that imposes a tax similar to the tax imposed under this Act;
15. "individual" means a person other than a corporation, and includes a trust or estate as defined in subsection 1 of section 63 of the Federal Act;
16. "loss" means a loss as determined in accordance with and for the purposes of the Federal Act;
17. "Minister" means the Minister of National Revenue for Canada, but in any provision of the Federal Act that is incorporated by reference in this Act, unless a collection agreement has been entered into, a reference to the Minister shall be read and construed for the purposes of this Act as a reference to the Treasurer;
18. "permanent establishment" means permanent establishment as defined in the Federal Regulations;
19. "person", or any word or expression descriptive of a person, includes any body corporate and politic, and the heirs, executors, administrators or other legal representatives of such person, according to the law of that part of Canada to which the context extends;
20. "prescribed", in the case of a form or the information to be given on a form, means prescribed by order of the Treasurer, and, in any other case, means prescribed by regulation;

R.S.C. 1952,
c. 148 p

21. "province" does not include the Northwest Territories or the Yukon Territory;
22. "Receiver General of Canada" means the Receiver General of Canada, but in any provision of the Federal Act that is incorporated by reference in this Act, unless a collection agreement is entered into, a reference to the Receiver General of Canada shall be read and construed for the purposes of this Act as a reference to the Treasurer;
23. "regulation" means a regulation made under this Act;
24. "taxable income" means taxable income as determined in accordance with and for the purposes of the Federal Act subject to variation on objection or on appeal, if any, in accordance with the Federal Act;
25. "taxation year" means a calendar year, and, when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with, or ending in, that year;
26. "taxpayer" includes any person whether or not liable to pay tax;
27. "Treasurer" means the Treasurer of Ontario, or, where a collection agreement is entered into, means,
 - i. in relation to the remittance of any amount as or on account of tax payable under this Act, the Receiver General of Canada, and
 - ii. in relation to any other matter, the Minister.

1960-61, c. 39, s. 44 (1), *amended*.

(2) The expression "last day of the taxation year" has the *Idem* meaning given to it in subsection 2 of section 33 of the Federal Act.

(3) The tax payable by a taxpayer under this Act or under *Idem* Part I of the Federal Act means the tax payable by him as fixed by assessment or re-assessment subject to variation on objection or on appeal, if any, in accordance with this Act or Part I of the Federal Act, as the case may be.

(4) For the purposes of this Act, except where they are *Idem* at variance with the definitions contained in this section, the definitions and interpretations contained in or made by regulation under the Federal Act apply.

Idem

(5) In any case of doubt, the provisions of this Act shall be applied and interpreted in a manner consistent with similar provisions of the Federal Act. *New.*

PART II—INCOME TAX

DIVISION A—LIABILITY FOR TAX

Individuals

2. An income tax shall be paid as hereinafter required for each of the 1962 to 1966 taxation years, inclusive, by every individual,

- (a) who was resident in Ontario on the last day of the taxation year; or
- (b) who, not being resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3. 1960-61, c. 39, s. 1, *amended.*

DIVISION B—COMPUTATION OF TAX

INDIVIDUAL INCOME TAX

Rate
individuals

3.—(1) The tax payable under this Act for a taxation year by an individual who resided in Ontario on the last day of the taxation year and had no income earned in the taxation year outside Ontario is the percentage of the tax payable under the Federal Act for that year specified in subsection 3.

Idem

(2) The tax payable under this Act for a taxation year by an individual,

- (a) who resided in Ontario on the last day of the taxation year but had income earned in the taxation year outside Ontario; or
- (b) who did not reside in Ontario on the last day of the taxation year but had income earned in the taxation year in Ontario,

is the amount that bears the same relation to the percentage of the tax payable under the Federal Act for that year specified in subsection 3 that his income earned in the taxation year in Ontario bears to his income for the year.

Idem

(3) For the purposes of this section, the percentage of the tax payable under the Federal Act to be used for computing the tax payable under this section is,

- (a) 16 per cent in respect of the 1962 taxation year;
 - (b) 17 per cent in respect of the 1963 taxation year;
 - (c) 18 per cent in respect of the 1964 taxation year;
 - (d) 19 per cent in respect of the 1965 taxation year; and
 - (e) 20 per cent in respect of the 1966 taxation year.
- (4) In this section,
- Interpre-
tation
- (a) "tax payable under the Federal Act" means the amount of tax payable under Part I of the Federal Act, other than under regulations made pursuant to section 66 thereof, for the taxation year in respect of which that expression is being applied, minus any amount included in computing that amount by virtue of subsection 3 of section 10 of the *Old Age Security Act* (Canada), plus any amount deducted ^{R.S.C. 1952, c. 200} in computing that amount by virtue of sections 33 and 41 of the Federal Act;
 - (b) "income earned in the taxation year in Ontario" means the income earned in the taxation year in Ontario as determined in accordance with regulations made under paragraph *a* of subsection 3 of section 33 of the Federal Act;
 - (c) "income earned in the taxation year outside Ontario" means income for the year minus income earned in the taxation year in Ontario; and
 - (d) "income for the year" means,
 - (i) in the case of an individual resident in Canada during part only of the taxation year in respect of whom section 29 of the Federal Act applies, his income for the period or periods in the year referred to in paragraph *a* of that section as determined in accordance with and for the purposes of the Federal Act,
 - (ii) in the case of an individual not resident in Canada at any time during the taxation year, his income for the year from all duties performed by him in Canada and all businesses carried on by him in Canada as determined in accordance with and for the purposes of the Federal Act, and

- (iii) in the case of any other individual, his income for the year as determined in accordance with and for the purposes of the Federal Act. 1960-61, c. 39, s. 2, *amended*.

DIVISION C—SPECIAL CASES

ARMED FORCES

Rate,
armed
forces

4.—(1) Every individual who is liable to tax in accordance with regulations made pursuant to section 66 of the Federal Act shall, in accordance with regulations made by the Lieutenant Governor in Council, pay a tax for each taxation month in the five-year period commencing on the 1st day of January, 1962, if he was resident in Ontario on the first day of that taxation month.

Idem

(2) The tax payable for a taxation month by an individual to whom subsection 1 applies shall be computed in accordance with tables to be prescribed on the basis of the rates set out in section 3.

Tax in lieu
of tax
otherwise
payable

(3) Except as provided in regulations made pursuant to subsection 1, the tax payable by an individual under this section shall be in lieu of tax otherwise payable under this Act.

Place of
residence

(4) For the purposes of subsection 1, an individual shall be deemed to be resident in Ontario on the first day of a taxation month where, for the purposes of Part XXIII of the Federal Regulations, he is deemed to be resident in Ontario on that day.

Interpre-
tation

(5) In this section, "taxation month" means a taxation month as defined for the purposes of Part XXIII of the Federal Regulations. *New*.

EXEMPTIONS

Exemptions

5. No tax is payable under this Act by any person for a period when that person was exempt from tax by virtue of subsection 1 of section 62 of the Federal Act, and any definitions or descriptions in the Federal Act applying to any such person apply *mutatis mutandis* for the purposes of this Act unless otherwise provided. *New*.

DIVISION D—RETURNS, ASSESSMENTS, PAYMENT AND APPEALS

RETURNS

Returns

6.—(1) A return for each taxation year for which a tax is payable under this Act shall, without notice or demand

therefor, be filed with the Treasurer in prescribed form and containing prescribed information,

- (a) in the case of a person who has died without making the return, by his legal representatives, within six months from the day of death;
- (b) in the case of an estate or trust, within ninety days from the end of the year;
- (c) in the case of any other person, on or before the 30th day of April in the next year, by that person or, if he is unable for any reason to file the return, by his guardian, curator, tutor, committee or other legal representative; or
- (d) in a case where no person described by clause a or c has filed the return, by such person as is required by notice in writing from the Treasurer to file the return, within such reasonable time as the notice specifies.

(2) Whether or not he is liable to pay tax under this Act ^{Return on demand} for a taxation year and whether or not a return has been filed under subsection 1 or 3, every person shall, on demand by registered letter from the Treasurer, file, within such reasonable time as is stipulated in the registered letter, with the Treasurer in prescribed form and containing prescribed information a return for the taxation year designated in the letter.

(3) Every trustee in bankruptcy, assignee, liquidator, ^{Trustees, etc.} curator, receiver, trustee or committee and every agent or other person administering, managing, winding up, controlling or otherwise dealing with the property, business, estate or income of a person who has not filed a return for a taxation year as required by this section shall file a return in prescribed form for that year in respect of that person.

(4) Where a partner or an individual who is a proprietor ^{Death of partner, proprietor} of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return for the period after the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax payable with respect to the period after the close of the fiscal period to the time of death shall be paid as if that tax were tax payable by another person. 1960-61, c. 39, s. 4, *amended*.

ESTIMATE OF TAX

Estimates

7. Every person required by section 6 to file a return shall in the return estimate the amount of tax payable. 1960-61, c. 39, s. 5, *amended*.

ASSESSMENT

Rules re
assessment

8.—(1) The Treasurer shall, with all due despatch, examine each return required to be filed under this Act and assess the tax for the taxation year and the interest and penalties, if any, payable.

Idem

(2) After examination of a return, the Treasurer shall send a notice of assessment to the person by whom the return was filed.

Idem

(3) Liability for tax under this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

Idem

(4) The Treasurer may at any time assess tax, interest or penalties under this Act or notify in writing any person by whom a return for a taxation year has been filed that no tax is payable for a taxation year, and may,

(a) at any time, if the taxpayer or person filing the return,

(i) has made any misrepresentation or committed any fraud in filing the return or in supplying any information under this Act, or

(ii) has filed with the Treasurer a waiver in prescribed form within four years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a taxation year; and

(b) within four years from the day referred to in subclause ii of clause a in any other case,

re-assess or make additional assessments, or assess tax, interest or penalties, as the circumstances require.

Idem

(5) Where a collection agreement is entered into, notwithstanding that more than four years have elapsed since the day referred to in subclause ii of clause a of subsection 4, the Minister shall re-assess or make additional assessments, or assess tax, interest or penalties, as the circumstances require, where the tax payable under Part I of the Federal Act is re-assessed.

(6) Where a taxpayer has filed the return required by *Idem* section 6 for a taxation year and, within one year from the day on or before which he was required by section 6 to file the return for that year, has filed an amended return for the year claiming a deduction from income under paragraph *e* of subsection 1 of section 27 of the Federal Act, in respect of a business loss sustained in the taxation year immediately following that year, the Treasurer shall re-assess the taxpayer's tax for the year.

(7) The Treasurer is not bound by a return or information *Idem* supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Act.

(8) An assessment shall, subject to being varied or vacated *Idem* on an objection or appeal under this Act and subject to a re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. 1960-61, c. 39, s. 6, *amended*.

PAYMENT OF TAX

9.—(1) Every person paying,

Withholding

- (a) salary or wages or other remuneration to an officer or employee;
- (b) a superannuation or pension benefit;
- (c) a retiring allowance;
- (d) an amount upon or after the death of an officer or employee, in recognition of his services, to his legal representative or widow or to any other person whatsoever;
- (e) an amount as a benefit under a supplementary unemployment benefit plan;
- (f) an annuity payment;
- (g) fees, commissions or other amounts for services; or
- (h) a payment under a deferred profit-sharing plan or a plan referred to in section 79C of the Federal Act as a revoked plan,

at any time in a taxation year shall deduct or withhold therefrom such amount as is prescribed and shall, at such time as is prescribed, remit that amount to the Treasurer on account of the payee's tax for the year under this Act.

Payment of
remainder

(2) Where amounts have been deducted or withheld under this section from the remuneration received by an individual in a taxation year, if the total of such amounts is equal to or greater than three-quarters of the tax payable for the year, he shall, on or before the 30th day of April in the next year, pay to the Treasurer the remainder of his tax for the year as estimated under section 7.

Effect of
deduction

(3) Where an amount has been deducted or withheld under subsection 1, it shall, for all the purposes of this Act, be deemed to have been received at that time by the person to whom the remuneration, benefit, payment, fees, commissions or other amounts were paid. 1960-61, c. 39, s. 7, *amended*.

Farmers
and
fishermen

10.—(1) Every individual whose chief source of income is farming or fishing shall pay to the Treasurer,

(a) on or before the 31st day of December in each taxation year, two-thirds of the tax as estimated by him at the rate for the year on his estimated tax payable under the Federal Act for the year or on his tax payable under the Federal Act for the immediately preceding year; and

(b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 7.

Idem, where
collection
agreement

(2) Where a collection agreement is entered into, an individual to whom subsection 1 applies shall pay an amount under clause *a* thereof computed in respect of the same year as the amount is computed that he is liable to pay under paragraph *a* of section 48 of the Federal Act. 1960-61, c. 39, s. 8, *amended*.

All others

11.—(1) Every individual, other than one to whom subsection 2 of section 9 or section 10 applies, shall pay to the Treasurer,

(a) on or before the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December, respectively, in each taxation year, an amount equal to one-quarter of the tax as estimated by him at the rate for the year on his estimated tax payable under the Federal Act for the year or on his tax payable under the Federal Act for the immediately preceding year; and

- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 6.

(2) Where a collection agreement is entered into, an individual to whom subsection 1 applies shall pay an amount under clause *a* thereof computed in respect of the same year as the amount is computed that he is liable to pay under paragraph *a* of section 49 of the Federal Act. ^{Idem, where collection agreement}

(3) For the purposes of section 10 and this section, "tax payable under the Federal Act" for a taxation year has the meaning given that expression in clause *a* of subsection 4 of section 3, whether such taxation year is before or after the coming into force of this Act. 1960-61, c. 39, s. 9, *amended*. ^{Interpretation}

12.—(1) The taxpayer shall, within thirty days from the day of mailing of the notice of assessment, pay to the Treasurer any part of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding. ^{Payment of remainder}

(2) Where, in the opinion of the Treasurer, a taxpayer is attempting to avoid payment of taxes, the Treasurer may direct that all taxes, penalties and interest be paid forthwith upon assessment. 1960-61, c. 39, s. 10, *amended*. ^{Payment forthwith}

13. Sections 52 and 53, paragraph *e* of subsection 13 of section 63 and paragraph *a* of subsection 2 of section 64 of the Federal Act apply *mutatis mutandis* in respect of the payment of tax under this Act for a taxation year by a taxpayer subject to tax under this Act to whom the said provisions apply in respect of tax payable under the Federal Act for the same taxation year. *New.* ^{Application of certain provisions}

INTEREST

14.—(1) Where the amount paid on account of tax payable by a taxpayer under this Act for a taxation year before the expiration of the time allowed for filing the return for that year is less than the amount of tax payable for the year under this Act, the person liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the day of payment at the rate of 6 per cent per annum. ^{General}

(2) In addition to the interest payable under subsection 1, where a taxpayer, being required by this Act to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at 6 per cent per annum from the day on ^{Interest on instalments}

or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier.

Limitation

(3) For the purposes of subsection 2, where a taxpayer is required to pay a part or instalment of tax for a taxation year as estimated by him with reference to a preceding year or with reference to the taxation year, he shall be deemed to have been liable to pay a part or instalment computed by reference to his tax for,

(a) the preceding year; or

(b) the taxation year,

whichever is the lesser.

Instalments,
where
collection
agreement

(4) Notwithstanding subsection 3, where a collection agreement is entered into, for the purposes of subsection 2 the taxpayer shall be deemed to have been liable to pay a part or instalment computed by reference to his tax for the same year as the year by reference to which the part or instalment that he is deemed by subsection 4 of section 54 of the Federal Act to be liable to pay was computed.

Participa-
tion cer-
tificates

(5) Notwithstanding any other provision in this section, no interest is payable in respect of the amount by which the tax payable by a person is increased by a payment made by the Canadian Wheat Board on a participation certificate previously issued to him until thirty days after the payment is made.

Where
income
in other
countries
barred from
Canada

(6) Where the income of a taxpayer for a taxation year, or part thereof, is from sources in another country and the taxpayer by reason of monetary or exchange restrictions imposed by the law of that country is unable to transfer it to Canada, the Treasurer may, if he is satisfied that payment as required by this Act of the whole of the additional tax under this Act for the year reasonably attributable to income from sources in that country would impose extreme hardship on the taxpayer, postpone the time for payment of the whole or a part of that additional tax for a period to be determined by the Treasurer, but no such postponement may be granted if any of the income for the year from sources in that country has been,

(a) transferred to Canada;

- (b) used by the taxpayer for any purpose whatsoever, other than payment of income tax to the government of that other country on income from sources therein; or
- (c) disposed of by him,

and no interest is payable under this section in respect of that additional tax, or part thereof, during the period of postponement.

(7) Where a taxpayer is entitled to deduct under section 27 of the Federal Act in computing his taxable income for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year (hereinafter in this subsection referred to as "the loss year"), for the purpose of computing interest under subsection 1 or 2 on tax or a part or instalment of tax for the taxation year for any portion of the period in respect of which the interest is payable on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 27 of the Federal Act in respect of that loss. 1960-61, c. 39, s. 13, *amended*. ^{Effect of carry back of loss}

PENALTIES

15.—(1) Every person who has failed to make a return as ^{Failure to} and when required by subsection 1 of section 6 is liable to a ^{make} penalty of, ^{return}

- (a) an amount equal to 5 per cent of the tax that was unpaid when the return was required to be filed, if the tax payable under this Act that was unpaid at that time was less than \$2,000; and
- (b) \$100, if at the time the return was required to be filed tax payable under this Act equal to \$2,000 or more was unpaid.

(2) Every person who has failed to file a return as required ^{Idem} by subsection 3 of section 6 is liable to a penalty of \$10 for each day of default but not more than \$50 in all.

(3) Every person who has failed to complete the informa- ^{Failure to complete information} tion on a prescribed form as required by or pursuant to section 6 is, unless the Treasurer has waived it, liable to a penalty,

- (a) of 1 per cent of the tax payable under this Act but, whether he is taxable or not, not less than \$25 or more than \$100; or
- (b) of such lesser amount as the Treasurer has fixed in respect of the specific failure.

Idem, where
collection
agreement

(4) Where a collection agreement is entered into, the Minister may refrain from levying or may reduce a penalty provided in this section, if the person who is liable to such penalty is required to pay a penalty under section 55 of the Federal Act. 1960-61, c. 39, s. 14, *amended*.

Statements
and
omissions
in returns

16. Every person who, knowingly or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, as a result of which the tax that would have been payable by him for a taxation year if the tax had been assessed on the basis of the information provided in the return, certificate, statement or answer is less than the tax payable by him for the year, is liable to a penalty of 25 per cent of the amount by which the tax that would so have been payable is less than the tax payable by him for the year. 1960-61, c. 39, s. 15 (2).

REFUND OF OVERPAYMENT

Refunds

17.—(1) If the return required to be filed by a taxpayer for a taxation year has been made within four years from the end of the year, the Treasurer,

- (a) may, upon mailing the notice of assessment for the year, refund, without application therefor, any overpayment made on account of the tax; and
- (b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the taxpayer within four years from the end of the year.

Application
to other
taxes

(2) Instead of making a refund that might otherwise be made under this section, the Treasurer may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the taxpayer of that action. 1960-61, c. 39, s. 16 (1, 2).

(3) Where an amount in respect of an overpayment is refunded or applied under this section on other liability, ^{Interest on over-payments} interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of,

- (a) the day when the overpayment arose;
- (b) the day on or before which the return in respect of which the tax was paid was required to be filed; or
- (c) the day when the return was actually filed,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than \$1, in which event no interest shall be paid or applied under this subsection.

(4) Where, by a decision of the Treasurer under section 18 or by a decision of the Supreme Court of Ontario or the Supreme Court of Canada, it is finally determined that the tax payable by a taxpayer for a taxation year under this Act is less than the amount assessed by the assessment under section 8 to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection 3 on that overpayment shall be computed at 6 per cent instead of 3 per cent. 1960-61, c. 39, s. 16 (3, 4), *amended*.

(5) Where a collection agreement is entered into and, by ^{Idem} virtue of a decision referred to in subsection 3 of section 57A of the Federal Act, that subsection applies to any overpayment made under that Act in respect of tax payable by a taxpayer for a taxation year, subsection 4 of this section applies to any overpayment made under this Act in respect of the same year that arose by virtue of the same decision. *New*.

(6) For the purpose of this section, "overpayment" means ^{Interpretation} the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid where no amount is so payable. 1960-61, c. 39, s. 16 (5).

(7) Where a taxpayer is entitled to deduct under section 27 of the Federal Act in computing his taxable income for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year (hereinafter in this subsection referred to as "the loss year"), and the amount of the tax payable for the taxation year is relevant in determining an overpayment for the purpose of computing interest under subsection 3 for any portion of a period ending

on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 27 of the Federal Act in respect of that loss. 1960-61, c. 39, s. 16 (6), *amended*.

OBJECTIONS TO ASSESSMENTS

Notice of
objection

18.—(1) A taxpayer who objects to an assessment under this Act may, within ninety days from the day of mailing of the notice of assessment, serve on the Treasurer a notice of objection in duplicate in prescribed form setting out the reasons for the objection and all relevant facts. 1960-61, c. 39, s. 17 (1).

Service of
notice

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the deputy head. 1960-61, c. 39, s. 17 (2), *amended*.

Recon-
sideration

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the taxpayer of his action by registered mail.

Idem

(4) A re-assessment made by the Treasurer pursuant to subsection 3 is not invalid by reason only of not having been made within four years from the day of mailing of a notice of an original assessment or of a notification described in subsection 4 of section 8. 1960-61, c. 39, s. 17 (3, 4).

DIVISION E—APPEALS TO THE SUPREME COURT OF ONTARIO

Right of
appeal of
taxpayer

19.—(1) A taxpayer who has served a notice of objection to an assessment under subsection 1 of section 18 may appeal to the Supreme Court to have the assessment vacated or varied after either,

- (a) the Treasurer has confirmed the assessment or re-assessed; or
- (b) 180 days have elapsed after service of the notice of objection and the Treasurer has not notified the taxpayer that he has vacated or confirmed the assessment or re-assessed,

but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the taxpayer in accordance with subsection 3 of section 18 that the Treasurer has confirmed the assessment or re-assessed. 1960-61, c. 39, s. 18 (1), *amended*.

(2) No appeal from an assessment under this Act lies in ^{Where no} respect of the computation of the tax payable under Part I ^{appeal} of the Federal Act. *New.*

(3) An appeal under this section shall be instituted by ^{Notice of} serving upon the Treasurer a notice of appeal in duplicate ^{appeal} and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the court for the county or district in which the taxpayer appealing resides.

(4) A notice of appeal shall be served upon the Treasurer ^{Service of notice} by being sent by registered mail addressed to the deputy head. 1960-61, c. 39, s. 18 (2, 3), *amended.*

(5) The taxpayer appealing shall set out in the notice ^{Contents of notice} of appeal a statement of the allegations of fact, the statutory provisions and the reasons that he intends to submit in support of his appeal. 1960-61, c. 39, s. 18 (4).

(6) The taxpayer appealing shall pay to the Registrar of ^{Fee on} the Supreme Court or the local registrar of the court, as ^{appeal} the case may be, a fee of \$400, or such lesser amount as the Treasurer requires, upon the filing of the copy of the notice of appeal. 1960-61, c. 39, s. 18 (2-5), *amended.*

20.—(1) The Treasurer shall, within sixty days from the ^{Reply} day the notice of appeal is received or within such further time as a judge of the court may either before or after the expiration of that time allow, serve on the appellant and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on. 1960-61, c. 39, s. 19 (1), *amended.*

(2) A judge of the court may, in his discretion, strike out ^{Striking out or} a notice of appeal or any part thereof for failure to comply ^{amending} with subsection 5 of section 19 and may permit an amendment ^{notice of} to be made to a notice of appeal or a new notice of appeal to ^{appeal} be substituted for the one struck out.

(3) A judge of the court may, in his discretion, Idem

(a) strike out any part of a reply for failure to comply with this section or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

Disposal
of appeal
where
notice
struck out

(4) Where a notice of appeal is struck out for failure to comply with subsection 5 of section 19 and a new notice of appeal is not filed as and when permitted by a judge of the court, a judge of the court may, in his discretion, dispose of the appeal by dismissing it.

Disposal
of appeal
where reply
struck out

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by a judge of the court within the time ordered, a judge of the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. 1960-61, c. 39, s. 19 (2-5), *amended*.

Appeal
deemed
an action

21.—(1) Upon the filing of the material referred to in sections 19 and 20, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

Pleading
of other
matters

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court directs.

Disposal
of appeal

(3) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it and,

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the assessment, or

(iv) referring the assessment back to the Treasurer for reconsideration and re-assessment.

Order for
payment

(4) The court may, in delivering judgment disposing of an appeal, order payment or repayment of tax, interest, penalties or costs by the taxpayer or the Treasurer. 1960-61, c. 39, s. 20.

Proceedings
in camera

22. Proceedings under this Division shall be held *in camera* upon request made to the court by the taxpayer. 1960-61, c. 39, s. 21, *amended*.

S.C.O.
practice
to govern

23. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure

relating to appeals, apply to every matter deemed to be an action under section 21, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. 1960-61, c. 39, s. 22.

24. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act or of the Federal Act where such provision in that Act applies in respect of any action under this Act. 1960-61, c. 39, s. 23, *amended*. Irregularities

PART III — ADMINISTRATION AND ENFORCEMENT

ADMINISTRATION

25.—(1) The Treasurer shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the deputy head may exercise all the powers and perform the duties of the Treasurer under this Act. 1960-61, c. 39, s. 24 (1), *amended*. Administration of Act

(2) The Treasurer may at any time extend the time for making a return under this Act. Extensions of time for returns

(3) The Treasurer may, if he considers it advisable in a particular case, accept security for payment of taxes by way of mortgage or other charge of any kind whatsoever on property of the taxpayer or any other person or by way of guarantee from other persons. 1960-61, c. 39, s. 24 (2, 3). Security for taxes

(4) Any person employed in connection with the administration or enforcement of this Act may, in the course of his employment, Administration of oaths

(a) if he is designated by the Treasurer for the purpose; or

(b) where a collection agreement is entered into, if he is a person designated by the Minister under the Federal Act for the purposes of subsection 5 of section 116 of that Act,

administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act or the regulations and every person so designated has for such purposes all the powers of a commissioner for taking affidavits. *New*.

Regulations **26.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing anything that, by this Act, is to be prescribed or is to be determined or regulated by regulation;
- (b) providing in any case of doubt the circumstances in which, and extent to which, the Federal Regulations apply; and
- (c) generally to carry out the purposes of this Act. 1960-61, c. 39, s. 25, *amended*.

Application
of Federal
Regulations

(2) Except to the extent that they are inconsistent with any regulations made under subsection 1 or are expressed by any regulation made under subsection 1 to be inapplicable, the Federal Regulations made under section 117 of the Federal Act apply *mutatis mutandis* for the purposes of this Act with respect to all matters enumerated in that section.

Publication
of
regulations

(3) No regulation made under this Act or under the Federal Act where it is applicable *mutatis mutandis* has effect for the purposes of this Act until it has been published in *The Ontario Gazette* or *The Canada Gazette*, as the case may be, but, when so published, a regulation is, if it so provides, effective with reference to a period before it was published. *New*.

ENFORCEMENT

Taxes, etc.,
are debts

27. All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty in right of Ontario and are recoverable as such in any court of competent jurisdiction or in any other manner provided by this Act. 1960-61, c. 39, s. 26.

Certificate
of in-
debtedness

28.—(1) An amount payable under this Act that has not been paid or such part of an amount payable under this Act as has not been paid may be certified by the Treasurer,

- (a) where there has been a direction by the Treasurer under subsection 2 of section 12, forthwith after such direction; and
- (b) otherwise, upon the expiration of thirty days after the default.

Registration
of
certificate

(2) On production to the Supreme Court, a certificate made under this section shall be registered in the court and, when registered, has the same force and effect and all pro-

ceedings may be taken thereon as if the certificate were a judgment obtained in the court for a debt of the amount specified in the certificate plus interest to the day of payment as provided for in this Act.

(3) All reasonable costs and charges attendant upon the registration of the certificate are recoverable in like manner as if they had been certified and the certificate had been registered under this section. *New.* ^{Recovery of costs, etc.}

29.—(1) Where the Treasurer has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require him to pay the moneys otherwise payable to that person in whole or in part to the Treasurer on account of the liability under this Act. 1960-61, c. 39, s. 27 (1), *amended.* ^{Requisition of moneys owed to taxpayer}

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. 1960-61, c. 39, s. 27 (2). ^{Effect of receipt}

(3) Where the Treasurer has, under this section, required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as is stipulated by the Treasurer in the registered letter. ^{Continuing effect of requisition}

(4) Every person who has discharged any liability to a person liable to make a payment under this Act without complying with a requirement under this section is liable to pay to Her Majesty in right of Ontario an amount equal to the liability discharged or the amount which he was required under this section to pay to the Treasurer, whichever is the lesser. ^{Penalty for failure to comply.}

(5) Where the person who is or is about to become indebted or liable carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee. ^{Service on certain firms}

Service on
partnership

(6) Where the persons who are or are about to become indebted or liable carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership. 1960-61, c. 39, s. 27 (3-6), *amended*.

Seizure of
goods on
default in
payment

30.—(1) Where a person has failed to make a payment as required by this Act, the Treasurer, on giving ten days' notice by registered mail addressed to his last known place of residence, may, whether or not there is an objection to or appeal in respect of the assessment not disposed of, issue a certificate of the failure and direct that the goods and chattels of the person in default that are located in Ontario be seized.

Sale of
goods
seized

(2) Property seized under this section shall be kept for ten days at the cost and charges of the owner and, if he does not pay the amount due together with the costs and charges within the ten days, the property seized shall be sold by public auction.

Notice
of sale

(3) Except in the case of perishable goods, notice of the sale setting forth the time and place thereof, together with a general description of the property to be sold shall, a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation.

Disposal
of surplus

(4) Any surplus resulting from the sale after deduction of the amount owing and all costs and charges shall be paid or returned to the owner of the property seized.

Exemptions
from seizure

(5) Such goods and chattels of any person in default as would be exempt from seizure under a writ of execution issued out of the Supreme Court are exempt from seizure under this section. *New*.

Demand
for
payment

31.—(1) Where the Treasurer suspects that a taxpayer is about to leave Ontario or Canada, he may before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to the taxpayer, demand payment of all taxes, interest and penalties for which the taxpayer is liable or would be liable if the time for payment had arrived and the same shall be paid forthwith notwithstanding any other provision of this Act.

Seizure of
goods for
failure to
comply
with
demand

(2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, the Treasurer may direct that the goods and chattels of the taxpayer

that are located in Ontario be seized and subsections 2 to 5 of section 30 are thereupon applicable *mutatis mutandis*. 1960-61, c. 39, s. 30, *amended*.

32.—(1) No action lies against any person for withholding or deducting any sum of money in compliance or intended compliance with this Act. Certain actions barred

(2) Every person whose employer is required to deduct or withhold any amount from his remuneration under section 9 shall, from time to time as prescribed, file a return with his employer in prescribed form. Returns by employees

(3) Every person failing to file a form as required by subsection 2 is liable to have the deduction or withholding from his salary or wages under section 9 made as though he were an unmarried person without dependants. Effect of failure to file return

(4) Every person who deducts or withholds any amount under this Act shall be deemed to hold the amount so deducted or withheld in trust for Her Majesty in right of Ontario. 1960-61, c. 39, s. 31 (1.4). Trust created

(5) All amounts deducted or withheld by a person under this Act shall be kept separate and apart from his own moneys and, where a collection agreement is entered into, such amounts shall be kept with amounts deducted or withheld by that person under the Federal Act. *New*. Deductions to be kept separate

(6) Any person who has failed to deduct or withhold any amount as required by this Act or a regulation is liable to pay to Her Majesty in right of Ontario, Penalty for failure to deduct

(a) if the amount should have been deducted or withheld under section 9 from an amount that has been paid to a person resident in Ontario, 10 per cent of the amount that should have been deducted or withheld; and

(b) in any other case, the whole amount that should have been deducted or withheld,

together with interest thereon at the rate of 10 per cent per annum. 1960-61, c. 39, s. 31 (7).

(7) Every person who has failed to remit or pay an amount deducted or withheld as required by this Act or a regulation is liable to a penalty of 10 per cent of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of 10 per cent per annum. Penalty for failure to remit

cent per annum; but, where a collection agreement is entered into, the Minister may refrain from levying or reduce the penalty if the person who is liable therefor is liable to pay a penalty under subsection 9 of section 123 of the Federal Act by reason of a failure to pay an amount described in paragraph *a* of that subsection.

Assessment
for amount
deducted

(8) The Treasurer may assess any person for any amount that has been deducted or withheld by that person under this Act or a regulation or that is payable by that person under this section and, upon his sending a notice of assessment to that person, Division D of Part II is applicable *mutatis mutandis*.

Deduction
provisions
applicable
to Crown

(9) The provisions of this Act that require a person to deduct or withhold an amount in respect of taxes from amounts payable to a taxpayer are applicable to Her Majesty in right of Ontario. 1960-61, c. 39, s. 31 (8-10), *amended*.

Agreements
not to
deduct void

(10) Where this Act requires an amount to be deducted or withheld, an agreement by the person on whom that obligation is imposed not to deduct or withhold is void.

Effect of
receipt

(11) The receipt of the Treasurer for an amount withheld or deducted by any person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt. 1960-61, c. 39, s. 31 (11, 12).

GENERAL

Records to
be kept

33.—(1) Every person carrying on business in Ontario and every person who is required, by or pursuant to this Act, to pay or collect taxes or other amounts shall keep records and books of account (including an annual inventory kept in prescribed manner) at his place of business or residence in Ontario or at such other place as is designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or collected to be determined. 1960-61, c. 39, s. 32 (1), *amended*.

Idem

(2) Where a person has failed to keep adequate records and books of account for the purposes of this Act, the Treasurer may require him to keep such records and books of account as he specifies and that person shall thereafter keep records and books of account as so required.

Retention
of records

(3) Every person required by this section to keep records and books of account shall, until written permission for their

disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book of account. 1960-61, c. 39, s. 32 (2, 3).

34.—(1) Any person thereunto authorized by the Treasurer ^{Right of entry, etc.} for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on in Ontario or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and,

(a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;

(b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;

(c) require the owner or manager of the property or business and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, require the owner or manager to attend at the premises or place with him; and

(d) if, during the course of an audit or examination, it appears to him that there has been a contravention of this Act or a regulation, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

(2) The Treasurer may, for any purpose related to the ^{Requisition of} administration or enforcement of this Act, by registered letter ^{information} or by a demand served personally, require from any person,

(a) any information or additional information, including a return of income or a supplementary return; or

- (b) production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents,

within such reasonable time as is stipulated therein. 1960-61, c. 39, s. 33 (1, 2), *amended*.

Search
warrants

(3) The Treasurer may, for any purpose related to the administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Treasury Department, together with such peace officers as he calls on to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place in Ontario for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or a regulation and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings. 1960-61, c. 39, s. 33 (4), *amended*.

Inquiries

(4) The Treasurer may, for any purpose related to the administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Treasury Department, to make such inquiry as he deems necessary with reference to anything relating to the administration or enforcement of this Act. 1960-61, c. 39, s. 33 (6), *amended*.

Certified
copies of
documents

(5) Where any book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Treasury Department may make, or cause to be made, one or more copies thereof and a document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Hindering

(6) No person shall hinder or molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do or prevent or attempt to prevent any person doing any such thing and, notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by or pursuant to this section to do. 1960-61, c. 39, s. 33 (7, 8), *amended*.

(7) Every person thereunto authorized by the Treasurer ^{Administration of oaths} may administer or receive an oath, affirmation or statutory declaration required to be given by or pursuant to this section. *New.*

(8) For the purpose of an inquiry authorized under sub- ^{Powers on inquiry} section 4, the person authorized to make the inquiry has all the powers and authority that may be conferred on a commissioner appointed under *The Public Inquiries Act*. 1960-61, ^{R.S.O. 1960, c. 323}

35.—(1) Section 126A of the Federal Act applies *mutatis mutandis* ^{Application of s. 126A of Federal Act} for the purposes of this Act where, in the same or similar circumstances, that section is or would be applicable for the purposes of the Federal Act.

(2) For the purposes of this section, a reference to the Deputy Attorney General of Ontario shall be substituted for any reference to the Deputy Attorney General of Canada in section 126A of the Federal Act, but, where a collection agreement is entered into, section 126A of the Federal Act shall be read without such reference being substituted. *New.* ^{Reference to Deputy A.G.}

36. Whether or not he has filed an information return as required by a regulation made under paragraph *d* of sub- ^{Filing of information on demand} section 1 of section 117 of the Federal Act as it applies by virtue of subsection 2 of section 26 of this Act, every person shall, on demand by registered letter from the Treasurer, file within such reasonable time as is stipulated in the registered letter with the Treasurer such prescribed information return as is designated in the letter. 1960-61, c. 39, s. 34, *amended.*

37.—(1) Every person who fails to comply with a regulation made under paragraph *d* or *e* of subsection 1 of section 117 of the Federal Act, as it applies by virtue of subsection 2 of section 26 of this Act, is liable in respect of each failure to so comply to a penalty of \$10 a day for each day of default but not more than \$2,500 in all. ^{Penalty for failure to comply with regulations}

(2) Every person who fails to comply with a regulation made under section 26 or incorporated by reference by virtue of subsection 2 thereof is liable to a penalty of \$10 a day for each day of default but not more than \$2,500 in all. 1960-61, c. 39, s. 36, *amended.* ^{Idem}

38. A return, certificate or other document made by a corporation pursuant to this Act or a regulation shall be signed on its behalf by the president, secretary or treasurer of the corporation or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation. 1960-61, c. 39, s. 37. ^{Signature of corporations}

OFFENCES

Offence,
failure to
file return

39.—(1) Every person who fails to file a return as and when required by or under this Act or a regulation is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of not less than \$25 for each day of default.

Offences,
certain

(2) Every person who fails to comply with or contravenes subsection 1 of section 9, subsection 5 of section 32, section 33 or section 34 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

(a) a fine of not less than \$200 and not more than \$10,000; or

(b) both the fine described in clause *a* and imprisonment for a term of not more than six months. 1960-61, c. 39, s. 38 (1, 2), *amended*.

Saving

(3) Where a person has been convicted under this section of failing to comply with a provision of this Act or a regulation, he is not liable to pay a penalty imposed under section 15, 32 or 37 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information giving rise to the conviction was laid. 1960-61, c. 39, s. 38 (3).

Offences,
certain

40. Every person who has,

(a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation;

(b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;

(c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a taxpayer;

(d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or

- (e) conspired with any person to commit an offence described by clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

- (f) a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded; or
- (g) both the fine described in clause *f* and imprisonment for a term of not more than two years. 1960-61, c. 39, s. 39 (1).

41. Where a collection agreement is entered into and proceedings under section 131 or 132 of the Federal Act are taken against any person, the Minister may take or refrain from taking any action against such person contemplated by section 39 or 40 of this Act, as the case may be. *New.* ^{Ministerial discretion}

42.—(1) Every person who, while employed in the administration of this Act, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. 1960-61, c. 39, s. 40, *amended.* ^{Offence, secrecy}

(2) Where a collection agreement is entered into, this section does not apply to the communication of information between the Minister and the Treasurer. *New.* ^{Where section not applicable}

43. Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. ^{Liability of corporation officers}

44. Notwithstanding any other statute or law in force at the commencement of this Act, a court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and a court has no power to suspend sentence. 1960-61, c. 39, ss. 41, 42. ^{No decrease in penalties}

PROCEDURE AND EVIDENCE

Application
of s. 136 of
Federal Act

45.—(1) Section 136 of the Federal Act applies *mutatis mutandis* with respect to procedure and evidence relating to an information under this Act.

Application
of certain
references

(2) Where a collection agreement is entered into, the references in section 136 of the Federal Act to the Royal Canadian Mounted Police and to an officer of the Department of National Revenue apply under this Act; but, where no collection agreement is entered into, a reference to the Royal Canadian Mounted Police in that section shall be construed as a reference to the Ontario Provincial Police Force and any reference to an officer of the Department of National Revenue shall be construed as a reference to an officer of the Treasury Department. *New.*

PART IV — COLLECTION OF TAX

COLLECTION AGREEMENT

Agreement
authorized

46.—(1) The Treasurer, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, enter into a collection agreement with the Government of Canada pursuant to which the Government of Canada will collect taxes payable under this Act on behalf of Ontario and will make payments to Ontario in respect of the taxes so collected in accordance with such terms and conditions as the collection agreement prescribes.

Supple-
mental
agreements
authorized

(2) The Treasurer, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, enter into an agreement amending the terms and conditions of a collection agreement entered into pursuant to subsection 1.

Transfer
of powers
and duties

(3) Where a collection agreement is entered into, the Minister, on behalf of, or as agent for, the Treasurer, is hereby authorized to employ all the powers, to perform all the duties and to exercise any discretion that the Treasurer or the deputy head has under this Act including the discretion to refuse to permit the production in judicial or other proceedings in Ontario of any document that it is not, in the opinion of the Minister, in the interests of public policy to produce.

Idem

(4) Where a collection agreement is entered into, the Deputy Minister of National Revenue for Taxation of Canada may,

- (a) employ all the powers, perform the duties and exercise any discretion that the Minister has under subsection 3 or otherwise under this Act; and
- (b) designate officers of his Department to carry out such functions, duties and powers as are similar to those that are exercised by them on his behalf under the Federal Act. 1960-61, c. 40, s. 1, *amended*.

PAYMENTS ON ACCOUNT

47.—(1) A collection agreement may provide that, where any payment is received by the Minister on account of tax payable by a taxpayer for a taxation year under this Act, the Federal Act or an income tax statute of another agreeing province, or under any two or more such Acts or statutes, the payment so received may be applied by the Minister towards the tax payable by the taxpayer under any such Act or statute in such manner as is specified in the agreement, notwithstanding that the taxpayer directed that the payment be applied in any other manner or made no direction as to its application.

(2) Any payment or part thereof applied by the Minister in accordance with a collection agreement towards the tax payable by a taxpayer for a taxation year under this Act relieves the taxpayer of liability to pay such tax to the extent of the payment or part thereof so applied. *New.*

DEDUCTIONS AT SOURCE

48. Where a collection agreement is entered into and an amount is remitted to the Minister under section 9 on account of the tax of an individual who is resident on the last day of the taxation year in another agreeing province, no action lies for recovery of such amount by that individual.

49.—(1) Where a collection agreement is entered into, an individual resident in Ontario on the last day of the taxation year is not required to remit any amount on account of tax payable by him under this Act for the taxation year to the extent of the amount deducted or withheld on account of his tax for that year under the income tax statute of another agreeing province.

(2) Where the total amount deducted or withheld on account of tax payable under this Act and under the income tax statute of another agreeing province by an individual resident in Ontario on the last day of the taxation year to whom subsection 1 applies exceeds the tax payable by him

under this Act for that year, section 17 of this Act applies in respect of such individual as though the excess were an over-payment under this Act. *New.*

RECIPROCAL ENFORCEMENT OF JUDGMENTS

Enforcement
of judgments

50.—(1) A judgment of a superior court of an agreeing province under that province's income tax statute, including any certificate registered in such superior court in a manner similar to that provided in subsection 2 of section 28, may be enforced in the manner provided in *The Reciprocal Enforcement of Judgments Act*.

R.S.O. 1960,
c. 345

Idem

(2) For the purposes of subsection 1, where a judgment of a superior court of an agreeing province is sought to be registered under *The Reciprocal Enforcement of Judgments Act*, such judgment shall be registered, notwithstanding that it is established that one or more of the provisions of section 3 of that Act apply.

Idem

(3) For the purposes of subsection 1, the Lieutenant Governor in Council may make regulations to enable the enforcement of judgments in respect of taxes in agreeing provinces to be enforced in Ontario. *New.*

PART V — TRANSITIONAL, ETC.

Repeal:

51. The following are repealed:

1947, c. 48

1. *The Income Tax Suspension Act, 1947.*

1948, c. 45

2. *The Income Tax Suspension Act, 1948.*

1949, c. 43

3. *The Income Tax Suspension Act, 1949.*

R.S.O. 1950,
c. 175

4. *The Income Tax Act.*

1951, c. 38

5. *The Income Tax Suspension Act, 1951.*

1952, c. 40

6. *The Income Tax Suspension Act, 1952.*

1952 (2nd
Sess.), c. 1

7. *The Corporations and Income Taxes Suspension Act, 1952.*

1953, c. 20

8. *The Corporations and Income Taxes Suspension Amendment Act, 1953.*

1960-61, c. 39

9. *The Income Tax Act, 1960-61.*

1960-61, c. 40

10. *The Income Tax Agency Agreement Act, 1960-61.*

52. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

53. This Act may be cited as *The Income Tax Act, 1961-62*. Short title

The Income Tax Act, 1961-62

1st Reading

December 7th, 1961

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 43

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

The Income Tax Act, 1961-62

MR. ALLAN (Haldimand-Norfolk)

The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I — INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

1. "agreeing province" means a province that has entered into a collection agreement with the Government of Canada for the collection of tax under its income tax statute;
2. "amount" means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing;
3. "assessment" includes a re-assessment;
4. "business" includes a profession, calling, trade, manufacture or undertaking of any kind whatsoever and includes an adventure or concern in the nature of trade but does not include an office or employment;
5. "collection agreement" means an agreement entered into pursuant to subsection 1 of section 46;
6. "corporation" includes an incorporated company and a "corporation incorporated in Canada" includes a corporation incorporated in any part of Canada before or after it became part of Canada;
7. "deputy head" means the Deputy Provincial Treasurer, or, where a collection agreement is entered into, means the Deputy Minister of National Revenue for Taxation;

8. "employed" means performing the duties of an office or employment;
9. "employee" includes officer;
10. "employer", in relation to an officer, means the person from whom the officer receives his remuneration;
11. "Federal Act" means the *Income Tax Act* (Canada);
12. "Federal Regulations" means the regulations made pursuant to the Federal Act;
13. "fiscal period" means a fiscal period determined in accordance with and for the purposes of the Federal Act;
14. "income tax statute" means, with reference to an agreeing province, the law of that province that imposes a tax similar to the tax imposed under this Act;
15. "individual" means a person other than a corporation, and includes a trust or estate as defined in subsection 1 of section 63 of the Federal Act;
16. "loss" means a loss as determined in accordance with and for the purposes of the Federal Act;
17. "Minister" means the Minister of National Revenue for Canada, but in any provision of the Federal Act that is incorporated by reference in this Act, unless a collection agreement has been entered into, a reference to the Minister shall be read and construed for the purposes of this Act as a reference to the Treasurer;
18. "permanent establishment" means permanent establishment as defined in the Federal Regulations;
19. "person", or any word or expression descriptive of a person, includes any body corporate and politic, and the heirs, executors, administrators or other legal representatives of such person, according to the law of that part of Canada to which the context extends;
20. "prescribed", in the case of a form or the information to be given on a form, means prescribed by order of the Treasurer, and, in any other case, means prescribed by regulation;

R.S.C. 1952,
c. 148

21. "province" does not include the Northwest Territories or the Yukon Territory;
22. "Receiver General of Canada" means the Receiver General of Canada, but in any provision of the Federal Act that is incorporated by reference in this Act, unless a collection agreement is entered into, a reference to the Receiver General of Canada shall be read and construed for the purposes of this Act as a reference to the Treasurer;
23. "regulation" means a regulation made under this Act;
24. "taxable income" means taxable income as determined in accordance with and for the purposes of the Federal Act subject to variation on objection or on appeal, if any, in accordance with the Federal Act;
25. "taxation year" means a calendar year, and, when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with, or ending in, that year;
26. "taxpayer" includes any person whether or not liable to pay tax;
27. "Treasurer" means the Treasurer of Ontario, or, where a collection agreement is entered into, means,
 - i. in relation to the remittance of any amount as or on account of tax payable under this Act, the Receiver General of Canada, and
 - ii. in relation to any other matter, the Minister.

(2) The expression "last day of the taxation year" has the *Idem* meaning given to it in subsection 2 of section 33 of the Federal Act.

(3) The tax payable by a taxpayer under this Act or under *Idem* Part I of the Federal Act means the tax payable by him as fixed by assessment or re-assessment subject to variation on objection or on appeal, if any, in accordance with this Act or Part I of the Federal Act, as the case may be.

(4) For the purposes of this Act, except where they are *Idem* at variance with the definitions contained in this section, the definitions and interpretations contained in or made by regulation under the Federal Act apply.

Idem

(5) In any case of doubt, the provisions of this Act shall be applied and interpreted in a manner consistent with similar provisions of the Federal Act. *New.*

PART II—INCOME TAX

DIVISION A—LIABILITY FOR TAX

Individuals

2. An income tax shall be paid as hereinafter required for each of the 1962 to 1966 taxation years, inclusive, by every individual,

- (a) who was resident in Ontario on the last day of the taxation year; or
- (b) who, not being resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3. 1960-61, c. 39, s. 1, *amended.*

DIVISION B—COMPUTATION OF TAX

INDIVIDUAL INCOME TAX

Rate,
individuals

3.—(1) The tax payable under this Act for a taxation year by an individual who resided in Ontario on the last day of the taxation year and had no income earned in the taxation year outside Ontario is the percentage of the tax payable under the Federal Act for that year specified in subsection 3.

Idem

(2) The tax payable under this Act for a taxation year by an individual,

- (a) who resided in Ontario on the last day of the taxation year but had income earned in the taxation year outside Ontario; or
- (b) who did not reside in Ontario on the last day of the taxation year but had income earned in the taxation year in Ontario,

is the amount that bears the same relation to the percentage of the tax payable under the Federal Act for that year specified in subsection 3 that his income earned in the taxation year in Ontario bears to his income for the year.

Idem

(3) For the purposes of this section, the percentage of the tax payable under the Federal Act to be used for computing the tax payable under this section is,

- (a) 16 per cent in respect of the 1962 taxation year;
- (b) 17 per cent in respect of the 1963 taxation year;
- (c) 18 per cent in respect of the 1964 taxation year;
- (d) 19 per cent in respect of the 1965 taxation year; and
- (e) 20 per cent in respect of the 1966 taxation year.

(4) In this section,

Interpre-
tation

- (a) "tax payable under the Federal Act" means the amount of tax payable under Part I of the Federal Act, other than under regulations made pursuant to section 66 thereof, for the taxation year in respect of which that expression is being applied, minus any amount included in computing that amount by virtue of subsection 3 of section 10 of the *Old Age Security Act* (Canada), plus any amount deducted in computing that amount by virtue of sections 33 and 41 of the Federal Act; R.S.C. 1952,
c. 200
- (b) "income earned in the taxation year in Ontario" means the income earned in the taxation year in Ontario as determined in accordance with regulations made under paragraph *a* of subsection 3 of section 33 of the Federal Act;
- (c) "income earned in the taxation year outside Ontario" means income for the year minus income earned in the taxation year in Ontario; and
- (d) "income for the year" means,
 - (i) in the case of an individual resident in Canada during part only of the taxation year in respect of whom section 29 of the Federal Act applies, his income for the period or periods in the year referred to in paragraph *a* of that section as determined in accordance with and for the purposes of the Federal Act,
 - (ii) in the case of an individual not resident in Canada at any time during the taxation year, his income for the year from all duties performed by him in Canada and all businesses carried on by him in Canada as determined in accordance with and for the purposes of the Federal Act, and

- (iii) in the case of any other individual, his income for the year as determined in accordance with and for the purposes of the Federal Act, 1960-61, c. 39, s. 2, *amended*.

DIVISION C—SPECIAL CASES

ARMED FORCES

Rate,
armed
forces

4.—(1) Every individual who is liable to tax in accordance with regulations made pursuant to section 66 of the Federal Act shall, in accordance with regulations made by the Lieutenant Governor in Council, pay a tax for each taxation month in the five-year period commencing on the 1st day of January, 1962, if he was resident in Ontario on the first day of that taxation month.

Idem

(2) The tax payable for a taxation month by an individual to whom subsection 1 applies shall be computed in accordance with tables to be prescribed on the basis of the rates set out in section 3.

Tax in lieu
of tax
otherwise
payable

(3) Except as provided in regulations made pursuant to subsection 1, the tax payable by an individual under this section shall be in lieu of tax otherwise payable under this Act.

Place of
residence

(4) For the purposes of subsection 1, an individual shall be deemed to be resident in Ontario on the first day of a taxation month where, for the purposes of Part XXIII of the Federal Regulations, he is deemed to be resident in Ontario on that day.

Interpre-
tation

(5) In this section, "taxation month" means a taxation month as defined for the purposes of Part XXIII of the Federal Regulations. *New*.

EXEMPTIONS

Exemptions

5. No tax is payable under this Act by any person for a period when that person was exempt from tax by virtue of subsection 1 of section 62 of the Federal Act, and any definitions or descriptions in the Federal Act applying to any such person apply *mutatis mutandis* for the purposes of this Act unless otherwise provided. *New*.

DIVISION D—RETURNS, ASSESSMENTS, PAYMENT AND APPEALS

RETURNS

Returns

6.—(1) A return for each taxation year for which a tax is payable under this Act shall, without notice or demand

therefor, be filed with the Treasurer in prescribed form and containing prescribed information,

- (a) in the case of a person who has died without making the return, by his legal representatives, within six months from the day of death;
- (b) in the case of an estate or trust, within ninety days from the end of the year;
- (c) in the case of any other person, on or before the 30th day of April in the next year, by that person or, if he is unable for any reason to file the return, by his guardian, curator, tutor, committee or other legal representative; or
- (d) in a case where no person described by clause *a* or *c* has filed the return, by such person as is required by notice in writing from the Treasurer to file the return, within such reasonable time as the notice specifies.

(2) Whether or not he is liable to pay tax under this Act ^{Return on demand} for a taxation year and whether or not a return has been filed under subsection 1 or 3, every person shall, on demand by registered letter from the Treasurer, file, within such reasonable time as is stipulated in the registered letter, with the Treasurer in prescribed form and containing prescribed information a return for the taxation year designated in the letter.

(3) Every trustee in bankruptcy, assignee, liquidator, ^{Trustees, etc.} curator, receiver, trustee or committee and every agent or other person administering, managing, winding up, controlling or otherwise dealing with the property, business, estate or income of a person who has not filed a return for a taxation year as required by this section shall file a return in prescribed form for that year in respect of that person.

(4) Where a partner or an individual who is a proprietor ^{Death of partner, proprietor} of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return for the period after the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax payable with respect to the period after the close of the fiscal period to the time of death shall be paid as if that tax were tax payable by another person. 1960-61, c. 39, s. 4, *amended*.

ESTIMATE OF TAX

Estimates

7. Every person required by section 6 to file a return shall in the return estimate the amount of tax payable. 1960-61, c. 39, s. 5, *amended*.

ASSESSMENT

Rules re
assessment

8.—(1) The Treasurer shall, with all due despatch, examine each return required to be filed under this Act and assess the tax for the taxation year and the interest and penalties, if any, payable.

Idem

(2) After examination of a return, the Treasurer shall send a notice of assessment to the person by whom the return was filed.

Idem

(3) Liability for tax under this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

Idem

(4) The Treasurer may at any time assess tax, interest or penalties under this Act or notify in writing any person by whom a return for a taxation year has been filed that no tax is payable for a taxation year, and may,

(a) at any time, if the taxpayer or person filing the return,

(i) has made any misrepresentation or committed any fraud in filing the return or in supplying any information under this Act, or

(ii) has filed with the Treasurer a waiver in prescribed form within four years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a taxation year; and

(b) within four years from the day referred to in subclause ii of clause *a* in any other case,

re-assess or make additional assessments, or assess tax, interest or penalties, as the circumstances require.

Idem

(5) Where a collection agreement is entered into, notwithstanding that more than four years have elapsed since the day referred to in subclause ii of clause *a* of subsection 4, the Minister shall re-assess or make additional assessments, or assess tax, interest or penalties, as the circumstances require, where the tax payable under Part I of the Federal Act is re-assessed.

(6) Where a taxpayer has filed the return required by *Idem* section 6 for a taxation year and, within one year from the day on or before which he was required by section 6 to file the return for that year, has filed an amended return for the year claiming a deduction from income under paragraph *e* of subsection 1 of section 27 of the Federal Act, in respect of a business loss sustained in the taxation year immediately following that year, the Treasurer shall re-assess the taxpayer's tax for the year.

(7) The Treasurer is not bound by a return or information *Idem* supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Act.

(8) An assessment shall, subject to being varied or vacated *Idem* on an objection or appeal under this Act and subject to a re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. 1960-61, c. 39, s. 6, *amended*.

PAYMENT OF TAX

9.—(1) Every person paying,

Withholding

- (a) salary or wages or other remuneration to an officer or employee;
- (b) a superannuation or pension benefit;
- (c) a retiring allowance;
- (d) an amount upon or after the death of an officer or employee, in recognition of his services, to his legal representative or widow or to any other person whatsoever;
- (e) an amount as a benefit under a supplementary unemployment benefit plan;
- (f) an annuity payment;
- (g) fees, commissions or other amounts for services; or
- (h) a payment under a deferred profit-sharing plan or a plan referred to in section 79C of the Federal Act as a revoked plan,

at any time in a taxation year shall deduct or withhold therefrom such amount as is prescribed and shall, at such time as is prescribed, remit that amount to the Treasurer on account of the payee's tax for the year under this Act.

Payment of
remainder

(2) Where amounts have been deducted or withheld under this section from the remuneration received by an individual in a taxation year, if the total of such amounts is equal to or greater than three-quarters of the tax payable for the year, he shall, on or before the 30th day of April in the next year, pay to the Treasurer the remainder of his tax for the year as estimated under section 7.

Effect of
deduction

(3) Where an amount has been deducted or withheld under subsection 1, it shall, for all the purposes of this Act, be deemed to have been received at that time by the person to whom the remuneration, benefit, payment, fees, commissions or other amounts were paid. 1960-61, c. 39, s. 7, *amended*.

Farmers
and
fishermen

10.—(1) Every individual whose chief source of income is farming or fishing shall pay to the Treasurer,

(a) on or before the 31st day of December in each taxation year, two-thirds of the tax as estimated by him at the rate for the year on his estimated tax payable under the Federal Act for the year or on his tax payable under the Federal Act for the immediately preceding year; and

(b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 7.

Idem, where
collection
agreement

(2) Where a collection agreement is entered into, an individual to whom subsection 1 applies shall pay an amount under clause *a* thereof computed in respect of the same year as the amount is computed that he is liable to pay under paragraph *a* of section 48 of the Federal Act. 1960-61, c. 39, s. 8, *amended*.

All others

11.—(1) Every individual, other than one to whom subsection 2 of section 9 or section 10 applies, shall pay to the Treasurer,

(a) on or before the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December, respectively, in each taxation year, an amount equal to one-quarter of the tax as estimated by him at the rate for the year on his estimated tax payable under the Federal Act for the year or on his tax payable under the Federal Act for the immediately preceding year; and

- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 6.

(2) Where a collection agreement is entered into, an individual to whom subsection 1 applies shall pay an amount under clause *a* thereof computed in respect of the same year as the amount is computed that he is liable to pay under paragraph *a* of section 49 of the Federal Act. Idem, where collection agreement

(3) For the purposes of section 10 and this section, "tax payable under the Federal Act" for a taxation year has the meaning given that expression in clause *a* of subsection 4 of section 3, whether such taxation year is before or after the coming into force of this Act. 1960-61, c. 39, s. 9, *amended*. Interpretation

12.—(1) The taxpayer shall, within thirty days from the day of mailing of the notice of assessment, pay to the Treasurer any part of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding. Payment of remainder

(2) Where, in the opinion of the Treasurer, a taxpayer is attempting to avoid payment of taxes, the Treasurer may direct that all taxes, penalties and interest be paid forthwith upon assessment. 1960-61, c. 39, s. 10, *amended*. Payment forthwith

13. Sections 52 and 53, paragraph *e* of subsection 13 of section 63 and paragraph *a* of subsection 2 of section 64 of the Federal Act apply *mutatis mutandis* in respect of the payment of tax under this Act for a taxation year by a taxpayer subject to tax under this Act to whom the said provisions apply in respect of tax payable under the Federal Act for the same taxation year. *New*. Application of certain provisions

INTEREST

14.—(1) Where the amount paid on account of tax payable by a taxpayer under this Act for a taxation year before the expiration of the time allowed for filing the return for that year is less than the amount of tax payable for the year under this Act, the person liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the day of payment at the rate of 6 per cent per annum. General

(2) In addition to the interest payable under subsection 1, where a taxpayer, being required by this Act to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at 6 per cent per annum from the day on Interest on instalments

or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier.

Limitation

(3) For the purposes of subsection 2, where a taxpayer is required to pay a part or instalment of tax for a taxation year as estimated by him with reference to a preceding year or with reference to the taxation year, he shall be deemed to have been liable to pay a part or instalment computed by reference to his tax for,

(a) the preceding year; or

(b) the taxation year,

whichever is the lesser.

Instalments,
where
collection
agreement

(4) Notwithstanding subsection 3, where a collection agreement is entered into, for the purposes of subsection 2 the taxpayer shall be deemed to have been liable to pay a part or instalment computed by reference to his tax for the same year as the year by reference to which the part or instalment that he is deemed by subsection 4 of section 54 of the Federal Act to be liable to pay was computed.

Participa-
tion cer-
tificates

(5) Notwithstanding any other provision in this section, no interest is payable in respect of the amount by which the tax payable by a person is increased by a payment made by the Canadian Wheat Board on a participation certificate previously issued to him until thirty days after the payment is made.

Where
income
in other
countries
barred from
Canada

(6) Where the income of a taxpayer for a taxation year, or part thereof, is from sources in another country and the taxpayer by reason of monetary or exchange restrictions imposed by the law of that country is unable to transfer it to Canada, the Treasurer may, if he is satisfied that payment as required by this Act of the whole of the additional tax under this Act for the year reasonably attributable to income from sources in that country would impose extreme hardship on the taxpayer, postpone the time for payment of the whole or a part of that additional tax for a period to be determined by the Treasurer, but no such postponement may be granted if any of the income for the year from sources in that country has been,

(a) transferred to Canada;

- (b) used by the taxpayer for any purpose whatsoever, other than payment of income tax to the government of that other country on income from sources therein; or

- (c) disposed of by him,

and no interest is payable under this section in respect of that additional tax, or part thereof, during the period of postponement.

(7) Where a taxpayer is entitled to deduct under section 27 ^{Effect of carry back of loss} of the Federal Act in computing his taxable income for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year (hereinafter in this subsection referred to as "the loss year"), for the purpose of computing interest under subsection 1 or 2 on tax or a part or instalment of tax for the taxation year for any portion of the period in respect of which the interest is payable on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 27 of the Federal Act in respect of that loss. 1960-61, c. 39, s. 13, *amended*.

PENALTIES

15.—(1) Every person who has failed to make a return as ^{Failure to make} and when required by subsection 1 of section 6 is liable to a ^{return} penalty of,

- (a) an amount equal to 5 per cent of the tax that was unpaid when the return was required to be filed, if the tax payable under this Act that was unpaid at that time was less than \$2,000; and
- (b) \$100, if at the time the return was required to be filed tax payable under this Act equal to \$2,000 or more was unpaid.

(2) Every person who has failed to file a return as required ^{Idem} by subsection 3 of section 6 is liable to a penalty of \$10 for each day of default but not more than \$50 in all.

(3) Every person who has failed to complete the informa- ^{Failure to complete} tion on a prescribed form as required by or pursuant to ^{information} section 6 is, unless the Treasurer has waived it, liable to a penalty,

- (a) of 1 per cent of the tax payable under this Act but, whether he is taxable or not, not less than \$25 or more than \$100; or
- (b) of such lesser amount as the Treasurer has fixed in respect of the specific failure.

Idem, where
collection
agreement

(4) Where a collection agreement is entered into, the Minister may refrain from levying or may reduce a penalty provided in this section, if the person who is liable to such penalty is required to pay a penalty under section 55 of the Federal Act. 1960-61, c. 39, s. 14, *amended*.

Statements
and
omissions
in returns

16. Every person who, knowingly or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, as a result of which the tax that would have been payable by him for a taxation year if the tax had been assessed on the basis of the information provided in the return, certificate, statement or answer is less than the tax payable by him for the year, is liable to a penalty of 25 per cent of the amount by which the tax that would so have been payable is less than the tax payable by him for the year. 1960-61, c. 39, s. 15 (2).

REFUND OF OVERPAYMENT

Refunds

17.—(1) If the return required to be filed by a taxpayer for a taxation year has been made within four years from the end of the year, the Treasurer,

- (a) may, upon mailing the notice of assessment for the year, refund, without application therefor, any overpayment made on account of the tax; and
- (b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the taxpayer within four years from the end of the year.

Application
to other
taxes

(2) Instead of making a refund that might otherwise be made under this section, the Treasurer may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the taxpayer of that action. 1960-61, c. 39, s. 16 (1, 2).

(3) Where an amount in respect of an overpayment is refunded or applied under this section on other liability, ^{Interest on over-payments} interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of,

- (a) the day when the overpayment arose;
- (b) the day on or before which the return in respect of which the tax was paid was required to be filed; or
- (c) the day when the return was actually filed,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than \$1, in which event no interest shall be paid or applied under this subsection.

(4) Where, by a decision of the Treasurer under section 18 or by a decision of the Supreme Court of Ontario or the ^{Idem, after court judgment} Supreme Court of Canada, it is finally determined that the tax payable by a taxpayer for a taxation year under this Act is less than the amount assessed by the assessment under section 8 to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection 3 on that overpayment shall be computed at 6 per cent instead of 3 per cent. 1960-61, c. 39, s. 16 (3, 4), *amended*.

(5) Where a collection agreement is entered into and, by ^{Idem} virtue of a decision referred to in subsection 3 of section 57A of the Federal Act, that subsection applies to any overpayment made under that Act in respect of tax payable by a taxpayer for a taxation year, subsection 4 of this section applies to any overpayment made under this Act in respect of the same year that arose by virtue of the same decision. *New*.

(6) For the purpose of this section, "overpayment" means ^{Interpretation} the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid where no amount is so payable. 1960-61, c. 39, s. 16 (5).

(7) Where a taxpayer is entitled to deduct under section 27 of the Federal Act in computing his taxable income for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year (hereinafter in this subsection referred to as "the loss year"), and the amount of the tax payable for the taxation year is relevant in determining an overpayment for the purpose of computing interest under subsection 3 for any portion of a period ending ^{Effect of carry back of loss}

on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 27 of the Federal Act in respect of that loss. 1960-61, c. 39, s. 16 (6), *amended*.

OBJECTIONS TO ASSESSMENTS

Notice of
objection

18.—(1) A taxpayer who objects to an assessment under this Act may, within ninety days from the day of mailing of the notice of assessment, serve on the Treasurer a notice of objection in duplicate in prescribed form setting out the reasons for the objection and all relevant facts. 1960-61, c. 39, s. 17 (1).

Service of
notice

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the deputy head. 1960-61, c. 39, s. 17 (2), *amended*.

Recon-
sideration

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the taxpayer of his action by registered mail.

Idem

(4) A re-assessment made by the Treasurer pursuant to subsection 3 is not invalid by reason only of not having been made within four years from the day of mailing of a notice of an original assessment or of a notification described in subsection 4 of section 8. 1960-61, c. 39, s. 17 (3, 4).

DIVISION E—APPEALS TO THE SUPREME COURT OF ONTARIO

Right of
appeal of
taxpayer

19.—(1) A taxpayer who has served a notice of objection to an assessment under subsection 1 of section 18 may appeal to the Supreme Court to have the assessment vacated or varied after either,

- (a) the Treasurer has confirmed the assessment or re-assessed; or
- (b) 180 days have elapsed after service of the notice of objection and the Treasurer has not notified the taxpayer that he has vacated or confirmed the assessment or re-assessed,

but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the taxpayer in accordance with subsection 3 of section 18 that the Treasurer has confirmed the assessment or re-assessed. 1960-61, c. 39, s. 18 (1), *amended*.

(2) No appeal from an assessment under this Act lies in ^{Where no} respect of the computation of the tax payable under Part I ^{appeal} of the Federal Act. *New.*

(3) An appeal under this section shall be instituted by ^{Notice of} serving upon the Treasurer a notice of appeal in duplicate ^{appeal} in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the court for the county or district in which the taxpayer appealing resides.

(4) A notice of appeal shall be served upon the Treasurer ^{Service} by being sent by registered mail addressed to the deputy ^{of notice} head. 1960-61, c. 39, s. 18 (2, 3), *amended.*

(5) The taxpayer appealing shall set out in the notice ^{Contents} of appeal a statement of the allegations of fact, the statutory ^{of notice} provisions and the reasons that he intends to submit in support of his appeal. 1960-61, c. 39, s. 18 (4).

(6) The taxpayer appealing shall pay to the Registrar of ^{Fee on} the Supreme Court or the local registrar of the court, as ^{appeal} the case may be, a fee of \$400, or such lesser amount as the Treasurer requires, upon the filing of the copy of the notice of appeal. 1960-61, c. 39, s. 18 (2-5), *amended.*

20.—(1) The Treasurer shall, within sixty days from the ^{Reply} day the notice of appeal is received or within such further time as a judge of the court may either before or after the expiration of that time allow, serve on the appellant and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on. 1960-61, c. 39, s. 19 (1), *amended.*

(2) A judge of the court may, in his discretion, strike out ^{Striking} a notice of appeal or any part thereof for failure to comply ^{out or} with subsection 5 of section 19 and may permit an amendment ^{amending} to be made to a notice of appeal or a new notice of appeal ^{notice of} to be substituted for the one struck out. ^{appeal}

(3) A judge of the court may, in his discretion, Idem

(a) strike out any part of a reply for failure to comply with this section or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

Disposal
of appeal
where
notice
struck out

(4) Where a notice of appeal is struck out for failure to comply with subsection 5 of section 19 and a new notice of appeal is not filed as and when permitted by a judge of the court, a judge of the court may, in his discretion, dispose of the appeal by dismissing it.

Disposal
of appeal
where reply
struck out

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by a judge of the court within the time ordered, a judge of the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. 1960-61, c. 39, s. 19 (2-5), *amended*.

Appeal
deemed
an action

21.—(1) Upon the filing of the material referred to in sections 19 and 20, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

Pleading
of other
matters

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court directs.

Disposal
of appeal

(3) The court may dispose of the appeal by.

(a) dismissing it;

(b) allowing it; or

(c) allowing it and,

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the assessment, or

(iv) referring the assessment back to the Treasurer for reconsideration and re-assessment.

Order for
payment

(4) The court may, in delivering judgment disposing of an appeal, order payment or repayment of tax, interest, penalties or costs by the taxpayer or the Treasurer. 1960-61, c. 39, s. 20.

Proceedings
in camera

22. Proceedings under this Division shall be held *in camera* upon request made to the court by the taxpayer. 1960-61, c. 39, s. 21, *amended*.

S.C.O.
practice
to govern

23. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure

relating to appeals, apply to every matter deemed to be an action under section 21, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. 1960-61, c. 39, s. 22.

24. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act or of the Federal Act where such provision in that Act applies in respect of any action under this Act. 1960-61, c. 39, s. 23, *amended*. Irregularities

PART III — ADMINISTRATION AND ENFORCEMENT

ADMINISTRATION

25.—(1) The Treasurer shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the deputy head may exercise all the powers and perform the duties of the Treasurer under this Act. 1960-61, c. 39, s. 24 (1), *amended*. Administration of Act

(2) The Treasurer may at any time extend the time for making a return under this Act. Extensions of time for returns

(3) The Treasurer may, if he considers it advisable in a particular case, accept security for payment of taxes by way of mortgage or other charge of any kind whatsoever on property of the taxpayer or any other person or by way of guarantee from other persons. 1960-61, c. 39, s. 24 (2, 3). Security for taxes

(4) Any person employed in connection with the administration or enforcement of this Act may, in the course of his employment, Administration of oaths

(a) if he is designated by the Treasurer for the purpose; or

(b) where a collection agreement is entered into, if he is a person designated by the Minister under the Federal Act for the purposes of subsection 5 of section 116 of that Act,

administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act or the regulations and every person so designated has for such purposes all the powers of a commissioner for taking affidavits. *New.*

Regulations **26.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing anything that, by this Act, is to be prescribed or is to be determined or regulated by regulation;
- (b) providing in any case of doubt the circumstances in which, and extent to which, the Federal Regulations apply; and
- (c) generally to carry out the purposes of this Act. 1960-61, c. 39, s. 25, *amended*.

Application of Federal Regulations (2) Except to the extent that they are inconsistent with any regulations made under subsection 1 or are expressed by any regulation made under subsection 1 to be inapplicable, the Federal Regulations made under section 117 of the Federal Act apply *mutatis mutandis* for the purposes of this Act with respect to all matters enumerated in that section.

Publication of regulations (3) No regulation made under this Act or under the Federal Act where it is applicable *mutatis mutandis* has effect for the purposes of this Act until it has been published in *The Ontario Gazette* or *The Canada Gazette*, as the case may be, but, when so published, a regulation is, if it so provides, effective with reference to a period before it was published. *New*.

ENFORCEMENT

Taxes, etc., are debts **27.** All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty in right of Ontario and are recoverable as such in any court of competent jurisdiction or in any other manner provided by this Act. 1960-61, c. 39, s. 26.

Certificate of indebtedness **28.**—(1) An amount payable under this Act that has not been paid or such part of an amount payable under this Act as has not been paid may be certified by the Treasurer,

- (a) where there has been a direction by the Treasurer under subsection 2 of section 12, forthwith after such direction; and
- (b) otherwise, upon the expiration of thirty days after the default.

Registration of certificate (2) On production to the Supreme Court, a certificate made under this section shall be registered in the court and, when registered, has the same force and effect and all pro-

ceedings may be taken thereon as if the certificate were a judgment obtained in the court for a debt of the amount specified in the certificate plus interest to the day of payment as provided for in this Act.

(3) All reasonable costs and charges attendant upon the registration of the certificate are recoverable in like manner as if they had been certified and the certificate had been registered under this section. *New.* ^{Recovery of costs, etc.}

29.—(1) Where the Treasurer has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require him to pay the moneys otherwise payable to that person in whole or in part to the Treasurer on account of the liability under this Act. 1960-61, c. 39, s. 27 (1), *amended.* ^{Requisition of moneys owed to taxpayer}

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. 1960-61, c. 39, s. 27 (2). ^{Effect of receipt}

(3) Where the Treasurer has, under this section, required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as is stipulated by the Treasurer in the registered letter. ^{Continuing effect of requisition}

(4) Every person who has discharged any liability to a person liable to make a payment under this Act without complying with a requirement under this section is liable to pay to Her Majesty in right of Ontario an amount equal to the liability discharged or the amount which he was required under this section to pay to the Treasurer, whichever is the lesser. ^{Penalty for failure to comply}

(5) Where the person who is or is about to become indebted or liable carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee. ^{Service on certain firms}

Service on
partnership

(6) Where the persons who are or are about to become indebted or liable carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership. 1960-61, c. 39, s. 27 (3-6), *amended*.

Seizure of
goods on
default in
payment

30.—(1) Where a person has failed to make a payment as required by this Act, the Treasurer, on giving ten days' notice by registered mail addressed to his last known place of residence, may, whether or not there is an objection to or appeal in respect of the assessment not disposed of, issue a certificate of the failure and direct that the goods and chattels of the person in default that are located in Ontario be seized.

Sale of
goods
seized

(2) Property seized under this section shall be kept for ten days at the cost and charges of the owner and, if he does not pay the amount due together with the costs and charges within the ten days, the property seized shall be sold by public auction.

Notice
of sale

(3) Except in the case of perishable goods, notice of the sale setting forth the time and place thereof, together with a general description of the property to be sold shall, a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation.

Disposal
of surplus

(4) Any surplus resulting from the sale after deduction of the amount owing and all costs and charges shall be paid or returned to the owner of the property seized.

Exemptions
from seizure

(5) Such goods and chattels of any person in default as would be exempt from seizure under a writ of execution issued out of the Supreme Court are exempt from seizure under this section. *New*.

Demand
for
payment

31.—(1) Where the Treasurer suspects that a taxpayer is about to leave Ontario or Canada, he may before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to the taxpayer, demand payment of all taxes, interest and penalties for which the taxpayer is liable or would be liable if the time for payment had arrived and the same shall be paid forthwith notwithstanding any other provision of this Act.

Seizure of
goods for
failure to
comply
with
demand

(2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, the Treasurer may direct that the goods and chattels of the taxpayer

that are located in Ontario be seized and subsections 2 to 5 of section 30 are thereupon applicable *mutatis mutandis*. 1960-61, c. 39, s. 30, *amended*.

32.—(1) No action lies against any person for withholding ^{Certain actions barred} or deducting any sum of money in compliance or intended compliance with this Act.

(2) Every person whose employer is required to deduct ^{Returns by employees} or withhold any amount from his remuneration under section 9 shall, from time to time as prescribed, file a return with his employer in prescribed form.

(3) Every person failing to file a form as required by sub-section 2 is liable to have the deduction or withholding from ^{Effect of failure to file return} his salary or wages under section 9 made as though he were an unmarried person without dependants.

(4) Every person who deducts or withholds any amount ^{Trust created} under this Act shall be deemed to hold the amount so deducted or withheld in trust for Her Majesty in right of Ontario. 1960-61, c. 39, s. 31 (1-4).

(5) All amounts deducted or withheld by a person under this Act shall be kept separate and apart from his own moneys ^{Deductions to be kept separate} and, where a collection agreement is entered into, such amounts shall be kept with amounts deducted or withheld by that person under the Federal Act. *New*.

(6) Any person who has failed to deduct or withhold any ^{Penalty for failure to deduct} amount as required by this Act or a regulation is liable to pay to Her Majesty in right of Ontario,

(a) if the amount should have been deducted or withheld under section 9 from an amount that has been paid to a person resident in Ontario, 10 per cent of the amount that should have been deducted or withheld; and

(b) in any other case, the whole amount that should have been deducted or withheld,

together with interest thereon at the rate of 10 per cent per annum. 1960-61, c. 39, s. 31 (7).

(7) Every person who has failed to remit or pay an amount ^{Penalty for failure to remit} deducted or withheld as required by this Act or a regulation is liable to a penalty of 10 per cent of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of 10 per

cent per annum; but, where a collection agreement is entered into, the Minister may refrain from levying or reduce the penalty if the person who is liable therefor is liable to pay a penalty under subsection 9 of section 123 of the Federal Act by reason of a failure to pay an amount described in paragraph *a* of that subsection.

Assessment
for amount
deducted

(8) The Treasurer may assess any person for any amount that has been deducted or withheld by that person under this Act or a regulation or that is payable by that person under this section and, upon his sending a notice of assessment to that person, Division D of Part II is applicable *mutatis mutandis*.

Deduction
provisions
applicable
to Crown

(9) The provisions of this Act that require a person to deduct or withhold an amount in respect of taxes from amounts payable to a taxpayer are applicable to Her Majesty in right of Ontario. 1960-61, c. 39, s. 31 (8-10), *amended*.

Agreements
not to
deduct void

(10) Where this Act requires an amount to be deducted or withheld, an agreement by the person on whom that obligation is imposed not to deduct or withhold is void.

Effect of
receipt

(11) The receipt of the Treasurer for an amount withheld or deducted by any person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt. 1960-61, c. 39, s. 31 (11, 12).

GENERAL

Records to
be kept

33.—(1) Every person carrying on business in Ontario and every person who is required, by or pursuant to this Act, to pay or collect taxes or other amounts shall keep records and books of account (including an annual inventory kept in prescribed manner) at his place of business or residence in Ontario or at such other place as is designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or collected to be determined. 1960-61, c. 39, s. 32 (1), *amended*.

Idem

(2) Where a person has failed to keep adequate records and books of account for the purposes of this Act, the Treasurer may require him to keep such records and books of account as he specifies and that person shall thereafter keep records and books of account as so required.

Retention
of records

(3) Every person required by this section to keep records and books of account shall, until written permission for their

disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book of account. 1960-61, c. 39, s. 32 (2, 3).

34.—(1) Any person thereunto authorized by the Treasurer ^{Right of entry, etc.} for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on in Ontario or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and,

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;
- (b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the owner or manager of the property or business and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, require the owner or manager to attend at the premises or place with him; and
- (d) if, during the course of an audit or examination, it appears to him that there has been a contravention of this Act or a regulation, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

(2) The Treasurer may, for any purpose related to the ^{Requisition of information} administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person,

- (a) any information or additional information, including a return of income or a supplementary return; or

- (b) production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents,

within such reasonable time as is stipulated therein. 1960-61, c. 39, s. 33 (1, 2), *amended*.

**Search
warrants**

(3) The Treasurer may, for any purpose related to the administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Treasury Department, together with such peace officers as he calls on to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place in Ontario for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or a regulation and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings. 1960-61, c. 39, s. 33 (4), *amended*.

Inquiries

(4) The Treasurer may, for any purpose related to the administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Treasury Department, to make such inquiry as he deems necessary with reference to anything relating to the administration or enforcement of this Act. 1960-61, c. 39, s. 33 (6), *amended*.

**Certified
copies of
documents**

(5) Where any book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Treasury Department may make, or cause to be made, one or more copies thereof and a document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Hindering

(6) No person shall hinder or molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do or prevent or attempt to prevent any person doing any such thing and, notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by or pursuant to this section to do. 1960-61, c. 39, s. 33 (7, 8), *amended*.

(7) Every person thereunto authorized by the Treasurer may administer or receive an oath, affirmation or statutory declaration required to be given by or pursuant to this section. *New.* Administration of oaths

(8) For the purpose of an inquiry authorized under sub-section 4, the person authorized to make the inquiry has all the powers and authority that may be conferred on a commissioner appointed under *The Public Inquiries Act*. 1960-61, c. 39, s. 33 (10). Powers on inquiry
R.S.O. 1960, c. 323

35.—(1) Section 126A of the Federal Act applies *mutatis mutandis* for the purposes of this Act where, in the same or similar circumstances, that section is or would be applicable for the purposes of the Federal Act. Application of s. 126A of Federal Act

(2) For the purposes of this section, a reference to the Deputy Attorney General of Ontario shall be substituted for any reference to the Deputy Attorney General of Canada in section 126A of the Federal Act, but, where a collection agreement is entered into, section 126A of the Federal Act shall be read without such reference being substituted. *New.* Reference to Deputy A.G.

36. Whether or not he has filed an information return as required by a regulation made under paragraph *d* of sub-section 1 of section 117 of the Federal Act as it applies by virtue of subsection 2 of section 26 of this Act, every person shall, on demand by registered letter from the Treasurer, file within such reasonable time as is stipulated in the registered letter with the Treasurer such prescribed information return as is designated in the letter. 1960-61, c. 39, s. 34, *amended.* Filing of information on demand

37.—(1) Every person who fails to comply with a regulation made under paragraph *d* or *e* of subsection 1 of section 117 of the Federal Act, as it applies by virtue of subsection 2 of section 26 of this Act, is liable in respect of each failure to so comply to a penalty of \$10 a day for each day of default but not more than \$2,500 in all. Penalty for failure to comply with regulations

(2) Every person who fails to comply with a regulation made under section 26 or incorporated by reference by virtue of subsection 2 thereof is liable to a penalty of \$10 a day for each day of default but not more than \$2,500 in all. 1960-61, c. 39, s. 36, *amended.* Idem

38. A return, certificate or other document made by a corporation pursuant to this Act or a regulation shall be signed on its behalf by the president, secretary or treasurer of the corporation or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation. 1960-61, c. 39, s. 37. Signature of corporations

OFFENCES

Offence,
failure to
file return

39.—(1) Every person who fails to file a return as and when required by or under this Act or a regulation is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of not less than \$25 for each day of default.

Offences,
certain

(2) Every person who fails to comply with or contravenes subsection 1 of section 9, subsection 5 of section 32, section 33 or section 34 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

(a) a fine of not less than \$200 and not more than \$10,000; or

(b) both the fine described in clause *a* and imprisonment for a term of not more than six months. 1960-61, c. 39, s. 38 (1, 2), *amended*.

Saving

(3) Where a person has been convicted under this section of failing to comply with a provision of this Act or a regulation, he is not liable to pay a penalty imposed under section 15, 32 or 37 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information giving rise to the conviction was laid. 1960-61, c. 39, s. 38 (3).

Offences,
certain

40. Every person who has,

(a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation;

(b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;

(c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a taxpayer;

(d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or

- (e) conspired with any person to commit an offence described by clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

- (f) a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded; or
- (g) both the fine described in clause *f* and imprisonment for a term of not more than two years. 1960-61, c. 39, s. 39 (1).

41. Where a collection agreement is entered into and ^{Ministerial discretion} proceedings under section 131 or 132 of the Federal Act are taken against any person, the Minister may take or refrain from taking any action against such person contemplated by section 39 or 40 of this Act, as the case may be. *New.*

42.—(1) Every person who, while employed in the administration of this Act, has communicated or allowed to be ^{Offence, secrecy} communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. 1960-61, c. 39, s. 40, *amended.*

(2) Where a collection agreement is entered into, this ^{Where section not applicable} section does not apply to the communication of information between the Minister and the Treasurer. *New.*

43. Where a corporation is guilty of an offence under this ^{Liability of corporation officers} Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

44. Notwithstanding any other statute or law in force at ^{No decrease in penalties} the commencement of this Act, a court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and a court has no power to suspend sentence. 1960-61, c. 39, ss. 41, 42.

PROCEDURE AND EVIDENCE

Application
of s. 136 of
Federal Act

45.—(1) Section 136 of the Federal Act applies *mutatis mutandis* with respect to procedure and evidence relating to an information under this Act.

Application
of certain
references

(2) Where a collection agreement is entered into, the references in section 136 of the Federal Act to the Royal Canadian Mounted Police and to an officer of the Department of National Revenue apply under this Act; but, where no collection agreement is entered into, a reference to the Royal Canadian Mounted Police in that section shall be construed as a reference to the Ontario Provincial Police Force and any reference to an officer of the Department of National Revenue shall be construed as a reference to an officer of the Treasury Department. *New.*

PART IV — COLLECTION OF TAX

COLLECTION AGREEMENT

Agreement
authorized

46.—(1) The Treasurer, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, enter into a collection agreement with the Government of Canada pursuant to which the Government of Canada will collect taxes payable under this Act on behalf of Ontario and will make payments to Ontario in respect of the taxes so collected in accordance with such terms and conditions as the collection agreement prescribes.

Supple-
mental
agreements
authorized

(2) The Treasurer, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, enter into an agreement amending the terms and conditions of a collection agreement entered into pursuant to subsection 1.

Transfer
of powers
and duties

(3) Where a collection agreement is entered into, the Minister, on behalf of, or as agent for, the Treasurer, is hereby authorized to employ all the powers, to perform all the duties and to exercise any discretion that the Treasurer or the deputy head has under this Act including the discretion to refuse to permit the production in judicial or other proceedings in Ontario of any document that it is not, in the opinion of the Minister, in the interests of public policy to produce.

Idem

(4) Where a collection agreement is entered into, the Deputy Minister of National Revenue for Taxation of Canada may,

- (a) employ all the powers, perform the duties and exercise any discretion that the Minister has under subsection 3 or otherwise under this Act; and
- (b) designate officers of his Department to carry out such functions, duties and powers as are similar to those that are exercised by them on his behalf under the Federal Act. 1960-61, c. 40, s. 1, *amended*.

PAYMENTS ON ACCOUNT

47.—(1) A collection agreement may provide that, where any payment is received by the Minister on account of tax payable by a taxpayer for a taxation year under this Act, the Federal Act or an income tax statute of another agreeing province, or under any two or more such Acts or statutes, the payment so received may be applied by the Minister towards the tax payable by the taxpayer under any such Act or statute in such manner as is specified in the agreement, notwithstanding that the taxpayer directed that the payment be applied in any other manner or made no direction as to its application. Application of payments by taxpayer

(2) Any payment or part thereof applied by the Minister in accordance with a collection agreement towards the tax payable by a taxpayer for a taxation year under this Act relieves the taxpayer of liability to pay such tax to the extent of the payment or part thereof so applied. *New*. No further liability

DEDUCTIONS AT SOURCE

48. Where a collection agreement is entered into and an amount is remitted to the Minister under section 9 on account of the tax of an individual who is resident on the last day of the taxation year in another agreeing province, no action lies for recovery of such amount by that individual. Where no action by employee

49.—(1) Where a collection agreement is entered into, an individual resident in Ontario on the last day of the taxation year is not required to remit any amount on account of tax payable by him under this Act for the taxation year to the extent of the amount deducted or withheld on account of his tax for that year under the income tax statute of another agreeing province. Application of tax paid by employee

(2) Where the total amount deducted or withheld on account of tax payable under this Act and under the income tax statute of another agreeing province by an individual resident in Ontario on the last day of the taxation year to whom subsection 1 applies exceeds the tax payable by him Idem

under this Act for that year, section 17 of this Act applies in respect of such individual as though the excess were an over-payment under this Act. *New.*

RECIPROCAL ENFORCEMENT OF JUDGMENTS

Enforcement
of judgments

50.—(1) A judgment of a superior court of an agreeing province under that province's income tax statute, including any certificate registered in such superior court in a manner similar to that provided in subsection 2 of section 28, may be enforced in the manner provided in *The Reciprocal Enforcement of Judgments Act*.

R.S.O. 1960,
c. 345

Idem

(2) For the purposes of subsection 1, where a judgment of a superior court of an agreeing province is sought to be registered under *The Reciprocal Enforcement of Judgments Act*, such judgment shall be registered, notwithstanding that it is established that one or more of the provisions of section 3 of that Act apply.

Idem

(3) For the purposes of subsection 1, the Lieutenant Governor in Council may make regulations to enable the enforcement of judgments in respect of taxes in agreeing provinces to be enforced in Ontario. *New.*

PART V — TRANSITIONAL, ETC.

Repeal:

51. The following are repealed:

1947, c. 48

1. *The Income Tax Suspension Act, 1947.*

1948, c. 45

2. *The Income Tax Suspension Act, 1948.*

1949, c. 43

3. *The Income Tax Suspension Act, 1949.*

R.S.O. 1950,
c. 175

4. *The Income Tax Act.*

1951, c. 38

5. *The Income Tax Suspension Act, 1951.*

1952, c. 40

6. *The Income Tax Suspension Act, 1952.*

1952 (2nd
Sess.), c. 1

7. *The Corporations and Income Taxes Suspension Act, 1952.*

1953, c. 20

8. *The Corporations and Income Taxes Suspension Amendment Act, 1953.*

1960-61, c. 39

9. *The Income Tax Act, 1960-61.*

1960-61, c. 40

10. *The Income Tax Agency Agreement Act, 1960-61.*

52. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

53. This Act may be cited as *The Income Tax Act, 1961-62*. Short title

The Income Tax Act, 1961-62

1st Reading

December 7th, 1961

2nd Reading

December 13th, 1961

3rd Reading

December 15th, 1961

MR. ALLAN (Haldimand-Norfolk)

BILL 44

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Co-operative Loans Act

MR. SPENCE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The amendment permits loans to be made to fishermen's co-operatives in the same way as farmers' co-operatives.



BILL 44

1961-62

**An Act to amend
The Co-operative Loans Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Co-operative Loans Act* is ^{R.S.O. 1960,} repealed and the following substituted therefor: ^{c. 67, s. 1,}
^{cl. b,}
^{re-enacted}

(b) "co-operative association" means a co-operative corporation to which Part V of *The Corporations Act* ^{R.S.O. 1960,} applies which was incorporated for the purpose of ^{c. 71} grading, cleaning, packing, storing, drying, processing or marketing farm products or fish.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Co-operative Loans Amend-* Short title
ment Act, 1961-62.

An Act to amend
The Co-operative Loans Act

1st Reading

December 8th, 1961

2nd Reading

3rd Reading

MR. SPENCE

BILL 45

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Election Act

MR. WINTERMEYER

EXPLANATORY NOTES

SECTION 1. This amendment is supplementary to a Bill to amend *The Legislative Assembly Act* being introduced at this session.

SECTION 2. Where an election is required by two members of the Legislature under an amendment to *The Legislative Assembly Act* being introduced at this section and no returning officer has been appointed, the local sheriff acts as returning officer.

BILL 45

1961-62

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 19 of *The Election Act* is amended ^{R.S.O. 1960, c. 118, s. 19, subs. 1, amended} by inserting after "Council" in the second line "or any other person authorized to issue a writ of election", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) Where an election is to be held, the Lieutenant Governor in Council or any other person authorized to issue a writ of election may appoint a day for the nomination of candidates, which day shall be,

2. Section 24 of *The Election Act* is amended by adding ^{R.S.O. 1960, c. 118, s. 24, amended} thereto the following subsection:

- (8) Where a writ of election is issued under subsection 2 of section 28 of *The Legislative Assembly Act*, if there is no returning officer for the electoral district then the writ of election shall be addressed and directed to the sheriff of any county in which any portion of the electoral district is located, and the sheriff shall thereupon assume all the duties of a returning officer for the electoral district. ^{Where no returning officer appointed R.S.O. 1960, c. 208}

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Election Amendment Act*, ^{Short title} 1961-62.

An Act to amend
The Election Act

1st Reading

December 11th, 1961

2nd Reading

3rd Reading

MR. WINTERMEYER

BILL 46

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Legislative Assembly Act

MR. WINTERMEYER

EXPLANATORY NOTE

Where the Chief Election Officer fails to issue a writ of election within ten days after the time limit, any two members may issue the writ. This Bill is supplemented by an amendment to *The Election Act* being introduced at this session requiring the local sheriff to receive the writ and act as returning officer where none is appointed.

BILL 46

1961-62

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 208, s. 28,
re-enacted

28.—(1) Subject to section 25, if the seat of a member has been vacant for three months and no writ has been issued, the Chief Election Officer shall issue the writ within ten days thereafter. Where
vacancy
exists for
three
months

(2) If at the end of the said ten days no writ has been issued, then any two members may issue a writ under their own hands to the returning officer in accordance with Form 3, and the first writ received by the returning officer is a valid writ of election. When two
members
may
issue writ of
election

2. *The Legislative Assembly Act* is amended by adding thereto the following form: R.S.O. 1960,
c. 208,
amended

FORM 3

(Section 28(2))

To:

WE COMMAND YOU to cause election to be made of a member (*or as the case may be*) to serve in the Legislative Assembly of Ontario, for the electoral district of in the Province of Ontario in the place of (*stating the cause of the vacancy*) and that you do cause the nomination of candidates at such election to be held on the day of next and, if a poll becomes necessary, that the same be held on the day of next and do cause the name (*or names*) of such member or members when so elected whether he is (*or they are*) present or absent, to be certified to our Chief Election Officer.

WITNESS our hands and seals at the City of Toronto this.....day
of....., 19.....

.....

Commence-
ment

.....

ENDORSEMENT

Short title Received the within Writ on the.....day of....., 19....

.....

Returning Officer

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Legislative Assembly Amendment Act, 1961-62*.

An Act to amend
The Legislative Assembly Act

1st Reading

December 11th, 1961

2nd Reading

3rd Reading

MR. WINTERMEYER

BILL 47

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

**An Act to amend
The Retail Sales Tax Act, 1960-61**

MR. WINTERMEYER

EXPLANATORY NOTE

The amendment replaces the exemption of 17 cents with an exemption of \$25, except for meals, bottled beer, liquor and tobacco.

BILL 47

1961-62

**An Act to amend
The Retail Sales Tax Act, 1960-61**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 42 of section 5 of *The Retail Sales Tax Act*, R.S.O. 1960, c. 91, s. 5, par. 42, 1960-61 is repealed and the following substituted therefor: re-enacted

42. tangible personal property purchased at a price of \$25 or less, except prepared meals consumed on the premises where sold at a price of \$1.50 or less, liquor, bottled beer and tobacco and tobacco products.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Retail Sales Tax Amendment Act, 1961-62*. Short title

An Act to amend
The Retail Sales Tax Act, 1960-61

1st Reading

December 11th, 1961

2nd Reading

3rd Reading

MR. WINTERMEYER

BILL 48

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Milk Industry Act

MR. STEWART

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides authority to fix price differentials for grades of milk and cream and for milk fat in milk, and provides for the payment of fees for the grading and testing of milk and cream.

Subsection 2. The amendment is for the purpose of clarification.

SECTION 2. The amendment provides for the issuing of an operating licence to transport milk to a producers' co-operative.

BILL 48

1961-62

An Act to amend The Milk Industry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 16 of section 17 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 17,
par. 16,
re-enacted

16. providing for the manner of payment and the payment of price differentials for any grade of fluid milk and of milk and cream for manufacture into a milk product;

16a. providing for the manner of payment and the fixing of price differentials for milk fat in fluid milk and in milk for manufacture into a milk product;

16b. providing for the fees payable for the selecting, grading, rejecting, weighing, sampling and testing of fluid milk and of milk and cream for manufacture into a milk product.

(2) Paragraph 20 of the said section 17 is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 17,
par. 20,
re-enacted

20. providing for the settlement of disputes in connection with the selecting, grading, rejecting, weighing, sampling and testing of fluid milk and of milk and cream for manufacture into a milk product and the payment for the fluid milk, milk and cream.

2. Section 18 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 18,
re-enacted

18.—(1) Where one of the objects of a co-operative corporation to which Part V of *The Corporations Act* applies is to engage in the transportation of milk and the Board issues a certificate to the Minister of Transportation of milk
by producers' co-operative
R.S.O. 1960,
c. 71

- Transport that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to one or more plants in a municipality, the Minister of Transport shall issue to the co-operative corporation an operating licence for the licence year under *The Public Commercial Vehicles Act* for the purpose of transporting such milk when the co-operative corporation complies with that Act, except section 4 thereof.
- R.S.O. 1960,
c. 319
- R.S.O. 1960,
c. 273,
not to apply
- Expiration
of
certificate
- Commence-
ment
- Short title
- (2) *The Ontario Highway Transport Board Act* does not apply to a co-operative corporation in respect of which a certificate is issued under subsection 1.
- (3) Every certificate heretofore issued by the Board, or by any predecessor thereof, under the authority of this section, or any predecessor thereof, expires on the 1st day of July, 1962.
- 3.** This Act comes into force on the day it receives Royal Assent.
- 4.** This Act may be cited as *The Milk Industry Amendment Act, 1961-62*.

An Act to amend
The Milk Industry Act

1st Reading

December 11th, 1961

2nd Reading

3rd Reading

MR. STEWART

BILL 48

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Milk Industry Act

MR. STEWART

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides authority to fix price differentials for grades of milk and cream and for milk fat in milk, and provides for the payment of fees for the grading and testing of milk and cream.

Subsection 2. The amendment is for the purpose of clarification.

SECTION 2. The amendment provides for the revocation of certificates issued by the Milk Industry Board in place of public commercial vehicle operating licences and requires all outstanding certificates to be re-issued within 90 days after the Bill receives Royal Assent.

BILL 48

1961-62

An Act to amend The Milk Industry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 16 of section 17 of *The Milk Industry Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 239, s. 17,
par. 16,
re-enacted

- 16. providing for the manner of payment and the payment of price differentials for any grade of fluid milk and of milk and cream for manufacture into a milk product;
- 16a. providing for the manner of payment and the fixing of price differentials for milk fat in fluid milk and in milk for manufacture into a milk product;
- 16b. providing for the fees payable for the selecting, grading, rejecting, weighing, sampling and testing of fluid milk and of milk and cream for manufacture into a milk product.

(2) Paragraph 20 of the said section 17 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 239, s. 17,
par. 20,
re-enacted

- 20. providing for the settlement of disputes in connection with the selecting, grading, rejecting, weighing, sampling and testing of fluid milk and of milk and cream for manufacture into a milk product and the payment for the fluid milk, milk and cream.

2. Section 18 of *The Milk Industry Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 239, s. 18,
re-enacted

- 18.—(1) Where one of the objects of a co-operative corporation to which Part V of *The Corporations Act* applies is to engage in the transportation of milk and the Board issues a certificate to the Minister of

Transportation of milk
by producers' co-operative
R.S.O. 1960,
c. 71

R.S.O. 1960,
c. 319

Transport that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to one or more plants in a municipality, no operating licence under *The Public Commercial Vehicles Act* is required by the corporation for the purpose of transporting such milk.

Revocation
of
certificate

- (2) The Board may, after a hearing, revoke a certificate issued under subsection 1 and shall give notice of the revocation to the Minister of Transport.

Expiration
of
certificates

- (3) Every certificate heretofore issued by the Board or by any predecessor thereof, under the authority of this section or any predecessor thereof, expires ninety days after this section comes into force.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Milk Industry Amendment Act, 1961-62*.

An Act to amend
The Milk Industry Act

1st Reading

December 11th, 1961

2nd Reading

December 12th, 1961

3rd Reading

MR. STEWART

(Reprinted as amended by the
Committee of the Whole House)

BILL 48

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Milk Industry Act

MR. STEWART

BILL 48

1961-62

An Act to amend The Milk Industry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 16 of section 17 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 17,
par. 16,
re-enacted

- 16. providing for the manner of payment and the payment of price differentials for any grade of fluid milk and of milk and cream for manufacture into a milk product;
- 16a. providing for the manner of payment and the fixing of price differentials for milk fat in fluid milk and in milk for manufacture into a milk product;
- 16b. providing for the fees payable for the selecting, grading, rejecting, weighing, sampling and testing of fluid milk and of milk and cream for manufacture into a milk product.

(2) Paragraph 20 of the said section 17 is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 17,
par. 20,
re-enacted

- 20. providing for the settlement of disputes in connection with the selecting, grading, rejecting, weighing, sampling and testing of fluid milk and of milk and cream for manufacture into a milk product and the payment for the fluid milk, milk and cream.

2. Section 18 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 18,
re-enacted

- 18.—(1) Where one of the objects of a co-operative corporation to which Part V of *The Corporations Act* applies is to engage in the transportation of milk and the Board issues a certificate to the Minister of Transportation of milk
by producers' co-operative
R.S.O. 1960,
c. 71

R.S.O. 1960, c. 319	Transport that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to one or more plants in a municipality, no operating licence under <i>The Public Commercial Vehicles Act</i> is required by the corporation for the purpose of transporting such milk.
Revocation of certificate	(2) The Board may, after a hearing, revoke a certificate issued under subsection 1 and shall give notice of the revocation to the Minister of Transport.
Expiration of certificates	(3) Every certificate heretofore issued by the Board or by any predecessor thereof, under the authority of this section or any predecessor thereof, expires ninety days after this section comes into force.
Commence- ment	3. This Act comes into force on the day it receives Royal Assent.
Short title	4. This Act may be cited as <i>The Milk Industry Amendment Act, 1961-62</i> .

An Act to amend
The Milk Industry Act

1st Reading

December 11th, 1961

2nd Reading

December 12th, 1961

3rd Reading

December 15th, 1961

MR. STEWART

BILL 49

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act respecting Ontario Agricultural College, Ontario Veterinary College and Macdonald Institute

MR. STEWART

EXPLANATORY NOTE

This Bill brings the Ontario Agricultural College, Ontario Veterinary College and Macdonald Institute under one administration and permits greater co-ordination of their activities.

BILL 49

1961-62

**An Act respecting Ontario Agricultural College,
Ontario Veterinary College and
Macdonald Institute**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Regents of the Federated Colleges of the Department of Agriculture;
- (b) "college" means a college or other institution of learning under the administration of the Federated Colleges;
- (c) "dean" means the chief executive officer of a college;
- (d) "Director of Research" means the administrator of the Agricultural Research Institute of Ontario;
- (e) "faculty" means the faculty of a college;
- (f) "Federated Colleges" means the Federated Colleges of the Department of Agriculture, comprising the Ontario Agricultural College, the Ontario Veterinary College, and the Macdonald Institute;
- (g) "Macdonald Institute" means the institution of learning established in conjunction with the Ontario Agricultural College for courses in household science;
- (h) "Minister" means the Minister of Agriculture;
- (i) "Ontario Agricultural College" means the institution of learning known as the "Ontario Agricultural College and Experimental Farm" established under *The Agricultural College Act*;

R.S.O. 1937,
c. 374

R.S.O. 1937,
c. 375

(j) "Ontario Veterinary College" means the institution of learning known as the "Ontario Veterinary College" established under *The Veterinary College Act*;

(k) "President" means the President of the Federated Colleges;

(l) "research" means research carried out and services provided in respect of agriculture, veterinary medicine and household science.

Ontario
Agricultural
College,
Ontario
Veterinary
College,
Macdonald
Institute

2. The Ontario Agricultural College, the Ontario Veterinary College and Macdonald Institute are continued and federated and recognized as colleges under the name of the Federated Colleges of the Department of Agriculture.

Board of
Regents

3.—(1) There shall be a board to be known as the "Board of Regents of the Federated Colleges of the Department of Agriculture" which shall be a body corporate and responsible to the Minister.

Composition
of Board

(2) The Board shall consist of twelve members as follows:

1. The President.
2. The Deputy Minister of Agriculture.
3. The Deputy Treasurer of Ontario.
4. The Chief Director of Education.
5. Eight persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister.

Chairman,
vice-
chairman

(3) The Lieutenant Governor in Council shall appoint from the persons appointed under paragraph 5 of subsection 2 a chairman and a vice-chairman of the Board.

Term of
appoint-
ment

(4) An appointment under paragraph 5 of subsection 2 shall be for a term of not more than three years but any person is eligible for re-appointment.

Expiration
of term

(5) When the term of a member of the Board expires, he continues to be a member until his successor is appointed.

Alternates

(6) The Lieutenant Governor in Council may appoint persons to act in the place of the Deputy Minister of Agriculture, the Deputy Treasurer of Ontario and the Chief Director of Education.

(7) The vice-chairman shall, in the absence or disability ^{Absence of chairman} of the chairman, possess and exercise the powers and perform the duties of the chairman.

(8) A majority of the members of the Board constitutes a ^{Quorum} quorum.

4. Subject to *The University of Toronto Act, 1947*, the ^{Affiliation with University of Toronto 1947, c. 112} Federated Colleges are affiliated with the University of Toronto for the purpose of enabling students of the Federated Colleges to obtain such university degrees and diplomas as the University of Toronto has authority to confer.

5. Except as to matters by this Act specifically assigned to ^{Duties of Board} the President's Council, the government, conduct, management and control of the Federated Colleges and of its property, revenues, expenditures, business and affairs, are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Federated Colleges, including, without limiting the generality of the foregoing, power,

- (a) to make rules governing its procedures;
- (b) to appoint an executive committee and such other committees as it deems advisable and to delegate to any such committees any of its powers;
- (c) to nominate persons for the office of the President of the Federated Colleges and for the offices of the deans of the colleges;
- (d) to recommend for appointment, promotion or removal such faculty members and officers as it deems necessary or advisable for the proper conduct of the affairs of the Federated Colleges;
- (e) to examine the appropriations for buildings and other facilities and the administration for the Federated Colleges and to make recommendations for such expenditures as it deems advisable;
- (f) to make recommendations to the Minister for the establishment and maintenance of such colleges, faculties, departments, chairs, exhibitions, scholarships and prizes as are suggested by the President's Council or otherwise;
- (g) upon the recommendation of the President, to grant diplomas and certificates in courses of study not leading to a degree;

(h) to recommend to the Minister the amounts to be paid by undergraduate and graduate students of the Federated Colleges for,

(i) tuition fees,

(ii) library fees, laboratory fees and physical education fees,

(iii) fees for examinations, degrees and certificates,

(iv) room and board provided by the Federated Colleges, and

(v) any other fees or emoluments for use of the facilities that the Board deems advisable;

(i) to perform such other functions as it deems advisable for the proper administration and advancement of the Federated Colleges not inconsistent with this Act or any Act of Ontario.

Expenditure **6.** Except with the approval of the Minister, the Board shall not incur any liability or make any expenditure that is not provided for in the income for the Federated Colleges.

Audit of accounts **7.** The accounts of the Board are subject to audit by the Provincial Auditor.

Annual report **8.** The Board shall submit an annual report on the affairs of the Federated Colleges to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other reports **9.** The Board shall submit to the Minister such reports on the financial affairs and the progress of the work of the Federated Colleges as the Minister from time to time requires.

Estimate of expenditures **10.** In each year, the Board shall prepare and submit to the Minister an estimate of all expenditures required during the next fiscal year.

President **11.—(1)** There shall be a President who shall be the chief executive officer of the Federated Colleges and shall be appointed by the Lieutenant Governor in Council.

Duties of President **(2)** The President shall generally supervise and direct the administration of the Federated Colleges and the personnel thereof.

(3) The President is responsible to the Board and shall ^{Idem} exercise such powers and perform such duties as are assigned to him by the Board and is *ex officio* a member of all committees established by the Board.

(4) The President shall make recommendations to the ^{Idem} Board respecting appointments, promotions and removals of the personnel of the Federated Colleges.

(5) The President shall report to the Board annually on ^{Idem} the progress and efficiency of the work of the Federated Colleges and shall report on any matter referred to him by the Board or the President's Council for the purpose.

(6) The President may make recommendations to the ^{Idem} Board on any matter affecting the operation of the Federated Colleges.

(7) The President may appoint a dean or a member of one ^{Alternate where President absent} of the faculties to carry out the duties of the President in his absence.

(8) Where the President is absent and a person has not ^{Idem} been appointed to act in his absence, the President's Council shall appoint a dean or a member of one of the faculties to carry out the duties of the President.

(9) Where the office of President is vacant, the President's ^{Temporary appointment} Council shall appoint a dean or a member of one of the faculties to carry out the duties of the President until a President is appointed.

(10) A person appointed under subsection 7, 8 or 9 to ^{Powers of alternate or temporary appointee} carry out the duties of the President has and may exercise the powers of the President.

12.—(1) There shall be a President's Council consisting ^{President's Council} of the President and the deans of the colleges.

(2) The President is the chairman of the President's Council. ^{Chairman}

(3) The President's Council shall, ^{Duties of President's Council}

- (a) make rules governing its procedures;
- (b) appoint such committees as are deemed necessary for the effective operation of the President's Council;
- (c) consider all recommendations and reports of the deans' councils;

- (d) fix and determine the time-tables for the lectures and other instruction at the Federated Colleges that affect more than one college;
- (e) where it deems it advisable, authorize persons other than members of the faculties to lecture and teach in the Federated Colleges;
- (f) determine by regulation or otherwise the college or colleges to which the control of any association or group within the Federated Colleges belongs;
- (g) determine matters concerning integration of research with the academic work of the Federated Colleges;
- (h) regulate the conduct and activities of the students of the Federated Colleges and may suspend or withhold diplomas, certificates or academic standing;
- (i) approve standards for courses at any college, authorize the establishment in any college of a course of study not leading to a degree and provide for granting of diplomas and certificates upon attainment of the standards.

Dean

13.—(1) There shall be a dean appointed for each college, who shall be the chief executive officer of the college to which he is appointed and, subject to the authority of the President, shall generally supervise and direct the work and the personnel of the college and shall have such other powers and perform such other duties as are assigned to him from time to time by the Board, the President's Council or the President.

Recommendations

(2) The dean shall make recommendations to the President in respect of appointments, promotions and removals of the personnel of the college.

Temporary appointment

(3) Where a dean is absent from the college, the President may appoint a member of the faculty of the college to carry out the duties of the dean during his absence.

Dean's council

14.—(1) At each college there shall be a dean's council consisting of the dean of the college, who shall act as chairman, and such members of the faculty of the college as the dean determines.

Duties of dean's council

(2) The dean's council shall,

- (a) fix the times and places of its meetings;

- (b) make rules and regulations for the governing of its procedures;
- (c) recommend to the President's Council the courses of study in the branch of learning for which the college is responsible;
- (d) recommend to the President's Council the examiners for the examinations in the college;
- (e) conduct and determine the results of the examinations in the college;
- (f) consider and report to the President's Council upon matters affecting the general welfare of the college and of other colleges; and
- (g) perform such other duties as are assigned to it from time to time by the Board or by the President.

15. There shall be a registrar for the Federated Colleges Registrar who shall act as the registrar for each of the colleges and is responsible to the President.

16. There shall be a librarian for the Federated Colleges Librarian who shall act as the librarian for each of the colleges and is responsible to the President.

17.—(1) There shall be a comptroller for the Federated Comptroller Colleges who shall act as the comptroller for each of the colleges and is responsible to the President in respect of the administration of the Federated Colleges.

(2) The comptroller shall,

Duties of
comptroller

- (a) supervise the business affairs of the Federated Colleges;
- (b) prepare the budget for the Federated Colleges, showing the amounts of revenues and expenditures for the general administration of the Federated Colleges and for each of the colleges;
- (c) supervise the acquisition of property, equipment or supplies, the construction of buildings or facilities and the maintenance of facilities at the Federated Colleges;
- (d) prepare such financial reports and statistical surveys as are required from time to time by the President or by the Board;

- (e) perform such other duties and functions as are assigned to him from time to time by the President or by the Board.

Idem (3) The comptroller is responsible to the Director of Research in respect of the administration of the funds for research carried out at the Federated Colleges.

Property **18.** All real and personal property heretofore or hereafter granted, conveyed, devised or bequeathed for purposes other than for research to, or to any person in trust for, the Federated Colleges or any of them, subject to any trust affecting the same, is vested in the Board.

Regulations **19.** The Lieutenant Governor in Council may make regulations fixing the amounts to be paid by undergraduate and graduate students of the Federated Colleges for,

- (a) tuition fees;
- (b) library fees, laboratory fees and physical education fees;
- (c) fees for examinations, degrees and certificates;
- (d) room and board provided by the Federated Colleges; and
- (e) any other fees or emoluments for use of the facilities that the Board deems advisable.

Repeal: **20.** The following are repealed:

- | | |
|------------------------|--|
| R.S.O. 1937,
c. 374 | 1. <i>The Agricultural College Act</i> , being chapter 374 of the Revised Statutes of Ontario, 1937. |
| 1952, c. 2 | 2. <i>The Agricultural College Amendment Act, 1952.</i> |
| R.S.O. 1937,
c. 375 | 3. <i>The Veterinary College Act</i> , being chapter 375 of the Revised Statutes of Ontario, 1937. |
| 1947, c. 101,
s. 20 | 4. Section 20 of <i>The Statute Law Amendment Act, 1947.</i> |

**Commence-
ment** **21.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **22.** This Act may be cited as *The Federated Colleges of the Department of Agriculture Act, 1961-62.*

An Act respecting Ontario Agricultural
College, Ontario Veterinary College
and Macdonald Institute

1st Reading

December 11th, 1961

2nd Reading

3rd Reading

MR. STEWART

BILL 49

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act respecting Ontario Agricultural College, Ontario Veterinary College and Macdonald Institute

MR. STEWART

(Reprinted as amended by the Committee on Agriculture)

(Corrected Edition)

EXPLANATORY NOTE

This Bill brings the Ontario Agricultural College, Ontario Veterinary College and Macdonald Institute under one administration and permits greater co-ordination of their activities.

BILL 49

1961-62

**An Act respecting Ontario Agricultural College,
Ontario Veterinary College and
Macdonald Institute**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Regents of the Federated Colleges of the Department of Agriculture;
- (b) "college" means a college or other institution of learning under the administration of the Federated Colleges;
- (c) "dean" means the chief executive officer of a college;
- (d) "faculty" means the faculty of a college;
- (e) "Federated Colleges" means the Federated Colleges of the Department of Agriculture, comprising the Ontario Agricultural College, the Ontario Veterinary College, and the Macdonald Institute;
- (f) "Macdonald Institute" means the institution of learning established in conjunction with the Ontario Agricultural College for courses in household science;
- (g) "Minister" means the Minister of Agriculture;
- (h) "Ontario Agricultural College" means the institution of learning known as the "Ontario Agricultural College and Experimental Farm" established under *The Agricultural College Act*;

R.S.O. 1937,
c. 374

R.S.O. 1937,
c. 375

- (i) "Ontario Veterinary College" means the institution of learning known as the "Ontario Veterinary College" established under *The Veterinary College Act*;
- (j) "President" means the President of the Federated Colleges;
- (k) "research" means research carried out and services provided in respect of agriculture, veterinary medicine and household science.

Ontario
Agricultural
College,
Ontario
Veterinary
College,
Macdonald
Institute

2. The Ontario Agricultural College, the Ontario Veterinary College and Macdonald Institute are continued and federated and recognized as colleges under the name of the Federated Colleges of the Department of Agriculture.

Board of
Regents

3.—(1) There shall be a board to be known as the "Board of Regents of the Federated Colleges of the Department of Agriculture" which shall be a body corporate and responsible to the Minister.

Composition
of Board

(2) The Board shall consist of not fewer than twelve members as follows:

1. The President.
2. The Deputy Minister of Agriculture.
3. The Deputy Provincial Treasurer.
4. The Chief Director of Education.
5. Such other persons as are appointed by the Lieutenant Governor in Council upon the recommendation of the Minister.

Chairman,
vice-
chairman

(3) The Lieutenant Governor in Council shall appoint from the persons appointed under paragraph 5 of subsection 2 a chairman and a vice-chairman of the Board.

Term of
appoint-
ment

(4) An appointment under paragraph 5 of subsection 2 shall be for a term of not more than three years but any person is eligible for re-appointment.

Expiration
of term

(5) When the term of a member of the Board expires, he continues to be a member until his successor is appointed.

Alternates

(6) The Lieutenant Governor in Council may appoint persons to act in the place of the Deputy Minister of Agriculture, the Deputy Treasurer of Ontario and the Chief Director of Education.

(7) The vice-chairman shall, in the absence or disability ^{Absence of chairman} of the chairman, possess and exercise the powers and perform the duties of the chairman.

(8) A majority of the members of the Board constitutes a ^{Quorum} quorum.

4. Subject to *The University of Toronto Act, 1947*, the ^{Affiliation with University of Toronto} Federated Colleges are affiliated with the University of Toronto for the purpose of enabling students of the Federated ^{1947, c. 112} Colleges to obtain such university degrees and diplomas as the University of Toronto has authority to confer.

5. Except as to matters by this Act specifically assigned to ^{Duties of Board} the President's Council, the government, conduct, management and control of the Federated Colleges and of its property, revenues, expenditures, business and affairs, are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Federated Colleges, including, without limiting the generality of the foregoing, power,

- (a) to make rules governing its procedures;
- (b) to appoint an executive committee and such other committees as it deems advisable and to delegate to any such committees any of its powers;
- (c) to nominate persons for the office of the President of the Federated Colleges and for the offices of the deans of the colleges;
- (d) to recommend for appointment, promotion or removal such faculty members and officers as it deems necessary or advisable for the proper conduct of the affairs of the Federated Colleges;
- (e) to examine the appropriations for buildings and other facilities and the administration for the Federated Colleges and to make recommendations for such expenditures as it deems advisable;
- (f) to make recommendations to the Minister for the establishment and maintenance of such colleges, faculties, departments, chairs, exhibitions, scholarships and prizes as are suggested by the President's Council or otherwise;
- (g) upon the recommendation of the President, to grant diplomas and certificates in courses of study not leading to a degree;

(h) to recommend to the Minister the amounts to be paid by undergraduate and graduate students of the Federated Colleges for,

(i) tuition fees,

(ii) library fees, laboratory fees and physical education fees,

(iii) fees for examinations, degrees and certificates,

(iv) room and board provided by the Federated Colleges, and

(v) any other fees or emoluments for use of the facilities that the Board deems advisable;

(i) to perform such other functions as it deems advisable for the proper administration and advancement of the Federated Colleges not inconsistent with this Act or any Act of Ontario.

Expenditure **6.** Except with the approval of the Minister, the Board shall not incur any liability or make any expenditure that is not provided for in the income for the Federated Colleges.

Audit of accounts **7.** The accounts of the Board are subject to audit by the Provincial Auditor.

Annual report **8.** The Board shall submit an annual report on the affairs of the Federated Colleges to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other reports **9.** The Board shall submit to the Minister such reports on the financial affairs and the progress of the work of the Federated Colleges as the Minister from time to time requires.

Estimate of expenditures **10.** In each year, the Board shall prepare and submit to the Minister an estimate of all expenditures required during the next fiscal year.

President **11.—(1)** There shall be a President who shall be the chief executive officer of the Federated Colleges and shall be appointed by the Lieutenant Governor in Council.

Duties of President **(2)** The President shall generally supervise and direct the administration of the Federated Colleges and the personnel thereof.

(3) The President is responsible to the Board and shall ^{Idem} exercise such powers and perform such duties as are assigned to him by the Board and is *ex officio* a member of all committees established by the Board.

(4) The President shall make recommendations to the ^{Idem} Board respecting appointments, promotions and removals of the personnel of the Federated Colleges.

(5) The President shall report to the Board annually on ^{Idem} the progress and efficiency of the work of the Federated Colleges and shall report on any matter referred to him by the Board or the President's Council for the purpose.

(6) The President may make recommendations to the ^{Idem} Board on any matter affecting the operation of the Federated Colleges.

(7) The President may appoint a dean or a member of one ^{Alternate where President absent} of the faculties to carry out the duties of the President in his absence.

(8) Where the President is absent and a person has not ^{Idem} been appointed to act in his absence, the President's Council shall appoint a dean or a member of one of the faculties to carry out the duties of the President.

(9) Where the office of President is vacant, the President's ^{Temporary appointment} Council shall appoint a dean or a member of one of the faculties to carry out the duties of the President until a President is appointed.

(10) A person appointed under subsection 7, 8 or 9 to ^{Powers of alternate or temporary appointee} carry out the duties of the President has and may exercise the powers of the President.

12.—(1) There shall be a President's Council consisting ^{President's Council} of the President and the deans of the colleges.

(2) The President is the chairman of the President's Council. ^{Chairman}

(3) The President's Council shall, ^{Duties of President's Council}

(a) make rules governing its procedures;

(b) appoint such committees as are deemed necessary for the effective operation of the President's Council;

(c) consider all recommendations and reports of the deans' councils;

- (d) fix and determine the time-tables for the lectures and other instruction at the Federated Colleges that affect more than one college;
- (e) where it deems it advisable, authorize persons other than members of the faculties to lecture and teach in the Federated Colleges;
- (f) determine by regulation or otherwise the college or colleges to which the control of any association or group within the Federated Colleges belongs;
- (g) determine matters concerning integration of research with the academic work of the Federated Colleges;
- (h) regulate the conduct and activities of the students of the Federated Colleges and may suspend or withhold diplomas, certificates or academic standing;
- (i) approve standards for courses at any college, authorize the establishment in any college of a course of study not leading to a degree and provide for granting of diplomas and certificates upon attainment of the standards.

Dean

13.—(1) There shall be a dean appointed for each college, who shall be the chief executive officer of the college to which he is appointed and, subject to the authority of the President, shall generally supervise and direct the work and the personnel of the college and shall have such other powers and perform such other duties as are assigned to him from time to time by the Board, the President's Council or the President.

Recom-
mendations

(2) The dean shall make recommendations to the President in respect of appointments, promotions and removals of the personnel of the college.

Temporary
appoint-
ment

(3) Where a dean is absent from the college, the President may appoint a member of the faculty of the college to carry out the duties of the dean during his absence.

Dean's
council

14.—(1) At each college there shall be a dean's council consisting of the dean of the college, who shall act as chairman, and such members of the faculty of the college as the dean determines.

Duties of
dean's
council

(2) The dean's council shall,

- (a) fix the times and places of its meetings;

- (b) make rules and regulations for the governing of its procedures;
- (c) recommend to the President's Council the courses of study in the branch of learning for which the college is responsible;
- (d) recommend to the President's Council the examiners for the examinations in the college;
- (e) conduct and determine the results of the examinations in the college;
- (f) consider and report to the President's Council upon matters affecting the general welfare of the college and of other colleges; and
- (g) perform such other duties as are assigned to it from time to time by the Board or by the President.

15. There shall be a registrar for the Federated Colleges ^{Registrar} who shall act as the registrar for each of the colleges and is responsible to the President.

16. There shall be a librarian for the Federated Colleges ^{Librarian} who shall act as the librarian for each of the colleges and is responsible to the President.

17.—(1) There shall be a comptroller for the Federated ^{Comptroller} Colleges who shall act as the comptroller for each of the colleges and is responsible to the President in respect of the administration of the Federated Colleges.

(2) The comptroller shall,

<sup>Duties of
comptroller</sup>

- (a) supervise the business affairs of the Federated Colleges;
- (b) prepare the budget for the Federated Colleges, showing the amounts of revenues and expenditures for the general administration of the Federated Colleges and for each of the colleges;
- (c) supervise the acquisition of property, equipment or supplies, the construction of buildings or facilities and the maintenance of facilities at the Federated Colleges;
- (d) prepare such financial reports and statistical surveys as are required from time to time by the President or by the Board;

- (e) perform such other duties and functions as are assigned to him from time to time by the President or by the Board.

Property

18. All property heretofore or hereafter granted, conveyed, devised or bequeathed for purposes other than for research to, or to any person in trust for, the Federated Colleges or any of them, subject to any trust affecting the same, is vested in the Board.

Regulations

19. The Lieutenant Governor in Council may make regulations providing for the payment of expenses of the members of the Board and fixing the amounts to be paid by undergraduate and graduate students of the Federated Colleges for,

- (a) tuition fees;
- (b) library fees, laboratory fees and physical education fees;
- (c) fees for examinations, degrees and certificates;
- (d) room and board provided by the Federated Colleges; and
- (e) any other fees or emoluments for use of the facilities that the Board deems advisable.

Repeal:

20. The following are repealed:

R.S.O. 1937,
c. 374

1. *The Agricultural College Act*, being chapter 374 of the Revised Statutes of Ontario, 1937.

1952, c. 2

2. *The Agricultural College Amendment Act, 1952.*

R.S.O. 1937,
c. 375

3. *The Veterinary College Act*, being chapter 375 of the Revised Statutes of Ontario, 1937.

1947, c. 101,
s. 20

4. Section 20 of *The Statute Law Amendment Act, 1947.*

**Commence-
ment**

21. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

22. This Act may be cited as *The Federated Colleges of the Department of Agriculture Act, 1961-62.*

An Act respecting Ontario Agricultural
College, Ontario Veterinary College
and Macdonald Institute

1st Reading

December 11th, 1961

2nd Reading

December 12th, 1961

3rd Reading

MR. STEWART

(Reprinted as amended by the
Committee on Agriculture)

(Corrected Edition)

BILL 49

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act respecting Ontario Agricultural College, Ontario Veterinary College and Macdonald Institute

MR. STEWART

10. 11.
10. 11.

**An Act respecting Ontario Agricultural College,
Ontario Veterinary College and
Macdonald Institute**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Regents of the Federated Colleges of the Department of Agriculture;
- (b) "college" means a college or other institution of learning under the administration of the Federated Colleges;
- (c) "dean" means the chief executive officer of a college;
- (d) "faculty" means the faculty of a college;
- (e) "Federated Colleges" means the Federated Colleges of the Department of Agriculture, comprising the Ontario Agricultural College, the Ontario Veterinary College, and the Macdonald Institute;
- (f) "Macdonald Institute" means the institution of learning established in conjunction with the Ontario Agricultural College for courses in household science;
- (g) "Minister" means the Minister of Agriculture;
- (h) "Ontario Agricultural College" means the institution of learning known as the "Ontario Agricultural College and Experimental Farm" established under *The Agricultural College Act*;

R.S.O. 1937,
c. 374

R.S.O. 1937,
c. 375

- (i) "Ontario Veterinary College" means the institution of learning known as the "Ontario Veterinary College" established under *The Veterinary College Act*;
- (j) "President" means the President of the Federated Colleges;
- (k) "research" means research carried out and services provided in respect of agriculture, veterinary medicine and household science.

Ontario
Agricultural
College,
Ontario
Veterinary
College,
Macdonald
Institute

2. The Ontario Agricultural College, the Ontario Veterinary College and Macdonald Institute are continued and federated and recognized as colleges under the name of the Federated Colleges of the Department of Agriculture.

Board of
Regents

3.—(1) There shall be a board to be known as the "Board of Regents of the Federated Colleges of the Department of Agriculture" which shall be a body corporate and responsible to the Minister.

Composition
of Board

(2) The Board shall consist of not fewer than twelve members as follows:

1. The President.
2. The Deputy Minister of Agriculture.
3. The Deputy Provincial Treasurer.
4. The Chief Director of Education.
5. Such other persons as are appointed by the Lieutenant Governor in Council upon the recommendation of the Minister.

Chairman,
vice-
chairman

(3) The Lieutenant Governor in Council shall appoint from the persons appointed under paragraph 5 of subsection 2 a chairman and a vice-chairman of the Board.

Term of
appoint-
ment

(4) An appointment under paragraph 5 of subsection 2 shall be for a term of not more than three years but any person is eligible for re-appointment.

Expiration
of term

(5) When the term of a member of the Board expires, he continues to be a member until his successor is appointed.

Alternates

(6) The Lieutenant Governor in Council may appoint persons to act in the place of the Deputy Minister of Agriculture, the Deputy Treasurer of Ontario and the Chief Director of Education.

(7) The vice-chairman shall, in the absence or disability ^{Absence of chairman} of the chairman, possess and exercise the powers and perform the duties of the chairman.

(8) A majority of the members of the Board constitutes a ^{Quorum} quorum.

4. Subject to *The University of Toronto Act, 1947*, the ^{Affiliation with University of Toronto 1947, c. 112} Federated Colleges are affiliated with the University of Toronto for the purpose of enabling students of the Federated Colleges to obtain such university degrees and diplomas as the University of Toronto has authority to confer.

5. Except as to matters by this Act specifically assigned to ^{Duties of Board} the President's Council, the government, conduct, management and control of the Federated Colleges and of its property, revenues, expenditures, business and affairs, are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Federated Colleges, including, without limiting the generality of the foregoing, power,

- (a) to make rules governing its procedures;
- (b) to appoint an executive committee and such other committees as it deems advisable and to delegate to any such committees any of its powers;
- (c) to nominate persons for the office of the President of the Federated Colleges and for the offices of the deans of the colleges;
- (d) to recommend for appointment, promotion or removal such faculty members and officers as it deems necessary or advisable for the proper conduct of the affairs of the Federated Colleges;
- (e) to examine the appropriations for buildings and other facilities and the administration for the Federated Colleges and to make recommendations for such expenditures as it deems advisable;
- (f) to make recommendations to the Minister for the establishment and maintenance of such colleges, faculties, departments, chairs, exhibitions, scholarships and prizes as are suggested by the President's Council or otherwise;
- (g) upon the recommendation of the President, to grant diplomas and certificates in courses of study not leading to a degree;

(h) to recommend to the Minister the amounts to be paid by undergraduate and graduate students of the Federated Colleges for,

(i) tuition fees,

(ii) library fees, laboratory fees and physical education fees,

(iii) fees for examinations, degrees and certificates,

(iv) room and board provided by the Federated Colleges, and

(v) any other fees or emoluments for use of the facilities that the Board deems advisable;

(i) to perform such other functions as it deems advisable for the proper administration and advancement of the Federated Colleges not inconsistent with this Act or any Act of Ontario.

Expenditure **6.** Except with the approval of the Minister, the Board shall not incur any liability or make any expenditure that is not provided for in the income for the Federated Colleges.

Audit of accounts **7.** The accounts of the Board are subject to audit by the Provincial Auditor.

Annual report **8.** The Board shall submit an annual report on the affairs of the Federated Colleges to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other reports **9.** The Board shall submit to the Minister such reports on the financial affairs and the progress of the work of the Federated Colleges as the Minister from time to time requires.

Estimate of expenditures **10.** In each year, the Board shall prepare and submit to the Minister an estimate of all expenditures required during the next fiscal year.

President **11.—(1)** There shall be a President who shall be the chief executive officer of the Federated Colleges and shall be appointed by the Lieutenant Governor in Council.

Duties of President **(2)** The President shall generally supervise and direct the administration of the Federated Colleges and the personnel thereof.

(3) The President is responsible to the Board and shall ^{Idem} exercise such powers and perform such duties as are assigned to him by the Board and is *ex officio* a member of all committees established by the Board.

(4) The President shall make recommendations to the ^{Idem} Board respecting appointments, promotions and removals of the personnel of the Federated Colleges.

(5) The President shall report to the Board annually on ^{Idem} the progress and efficiency of the work of the Federated Colleges and shall report on any matter referred to him by the Board or the President's Council for the purpose.

(6) The President may make recommendations to the ^{Idem} Board on any matter affecting the operation of the Federated Colleges.

(7) The President may appoint a dean or a member of one ^{Alternate where President absent} of the faculties to carry out the duties of the President in his absence.

(8) Where the President is absent and a person has not ^{Idem} been appointed to act in his absence, the President's Council shall appoint a dean or a member of one of the faculties to carry out the duties of the President.

(9) Where the office of President is vacant, the President's ^{Temporary appointment} Council shall appoint a dean or a member of one of the faculties to carry out the duties of the President until a President is appointed.

(10) A person appointed under subsection 7, 8 or 9 to ^{Powers of alternate or temporary appointee} carry out the duties of the President has and may exercise the powers of the President.

12.—(1) There shall be a President's Council consisting ^{President's Council} of the President and the deans of the colleges.

(2) The President is the chairman of the President's Council. ^{Chairman}

(3) The President's Council shall, ^{Duties of President's Council}

(a) make rules governing its procedures;

(b) appoint such committees as are deemed necessary for the effective operation of the President's Council;

(c) consider all recommendations and reports of the deans' councils;

- (d) fix and determine the time-tables for the lectures and other instruction at the Federated Colleges that affect more than one college;
- (e) where it deems it advisable, authorize persons other than members of the faculties to lecture and teach in the Federated Colleges;
- (f) determine by regulation or otherwise the college or colleges to which the control of any association or group within the Federated Colleges belongs;
- (g) determine matters concerning integration of research with the academic work of the Federated Colleges;
- (h) regulate the conduct and activities of the students of the Federated Colleges and may suspend or withhold diplomas, certificates or academic standing;
- (i) approve standards for courses at any college, authorize the establishment in any college of a course of study not leading to a degree and provide for granting of diplomas and certificates upon attainment of the standards.

Dean

13.—(1) There shall be a dean appointed for each college, who shall be the chief executive officer of the college to which he is appointed and, subject to the authority of the President, shall generally supervise and direct the work and the personnel of the college and shall have such other powers and perform such other duties as are assigned to him from time to time by the Board, the President's Council or the President.

Recommendations

(2) The dean shall make recommendations to the President in respect of appointments, promotions and removals of the personnel of the college.

Temporary appointment

(3) Where a dean is absent from the college, the President may appoint a member of the faculty of the college to carry out the duties of the dean during his absence.

Dean's council

14.—(1) At each college there shall be a dean's council consisting of the dean of the college, who shall act as chairman, and such members of the faculty of the college as the dean determines.

Duties of dean's council

- (2) The dean's council shall,
 - (a) fix the times and places of its meetings;

- (b) make rules and regulations for the governing of its procedures;
- (c) recommend to the President's Council the courses of study in the branch of learning for which the college is responsible;
- (d) recommend to the President's Council the examiners for the examinations in the college;
- (e) conduct and determine the results of the examinations in the college;
- (f) consider and report to the President's Council upon matters affecting the general welfare of the college and of other colleges; and
- (g) perform such other duties as are assigned to it from time to time by the Board or by the President.

15. There shall be a registrar for the Federated Colleges ^{Registrar} who shall act as the registrar for each of the colleges and is responsible to the President.

16. There shall be a librarian for the Federated Colleges ^{Librarian} who shall act as the librarian for each of the colleges and is responsible to the President.

17.—(1) There shall be a comptroller for the Federated ^{Comptroller} Colleges who shall act as the comptroller for each of the colleges and is responsible to the President in respect of the administration of the Federated Colleges.

(2) The comptroller shall,

<sup>Duties of
comptroller</sup>

- (a) supervise the business affairs of the Federated Colleges;
- (b) prepare the budget for the Federated Colleges, showing the amounts of revenues and expenditures for the general administration of the Federated Colleges and for each of the colleges;
- (c) supervise the acquisition of property, equipment or supplies, the construction of buildings or facilities and the maintenance of facilities at the Federated Colleges;
- (d) prepare such financial reports and statistical surveys as are required from time to time by the President or by the Board;

- (e) perform such other duties and functions as are assigned to him from time to time by the President or by the Board.

Property

18. All property heretofore or hereafter granted, conveyed, devised or bequeathed for purposes other than for research to, or to any person in trust for, the Federated Colleges or any of them, subject to any trust affecting the same, is vested in the Board.

Regulations

19. The Lieutenant Governor in Council may make regulations providing for the payment of expenses of the members of the Board and fixing the amounts to be paid by undergraduate and graduate students of the Federated Colleges for,

- (a) tuition fees;
- (b) library fees, laboratory fees and physical education fees;
- (c) fees for examinations, degrees and certificates;
- (d) room and board provided by the Federated Colleges; and
- (e) any other fees or emoluments for use of the facilities that the Board deems advisable.

Repeal:

20. The following are repealed:

R.S.O. 1937,
c. 374

1. *The Agricultural College Act*, being chapter 374 of the Revised Statutes of Ontario, 1937.

1952, c. 2

2. *The Agricultural College Amendment Act, 1952.*

R.S.O. 1937,
c. 375

3. *The Veterinary College Act*, being chapter 375 of the Revised Statutes of Ontario, 1937.

1947, c. 101,
s. 20

4. Section 20 of *The Statute Law Amendment Act, 1947.*

**Commence-
ment**

21. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

22. This Act may be cited as *The Federated Colleges of the Department of Agriculture Act, 1961-62.*

Societate de studii si cercetari stiintifice

An Act respecting Ontario Agricultural
College, Ontario Veterinary College
and Macdonald Institute

1st Reading

December 11th, 1961

2nd Reading

December 12th, 1961

3rd Reading

March 30th, 1962

MR. STEWART

BILL 50

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to provide for the Establishment of the Agricultural Research Institute of Ontario

MR. STEWART

EXPLANATORY NOTE

This Bill provides for the establishment of an agricultural research institute to direct and control programs of research in agriculture, veterinary medicine and household science and provides a means of co-ordinating agricultural research projects in Ontario.

An Act to provide for the Establishment of the Agricultural Research Institute of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Director of Research" means the administrator of the Agricultural Research Institute of Ontario;
- (b) "Federated Colleges" means the Federated Colleges of the Department of Agriculture, comprising the Ontario Agricultural College, the Ontario Veterinary College, and the Macdonald Institute;
- (c) "Minister" means the Minister of Agriculture;
- (d) "research" means research carried out and services provided in respect of agriculture, veterinary medicine and household science;
- (e) "Research Institute" means the Agricultural Research Institute of Ontario.

2.—(1) There shall be a research institute to be known as the "Agricultural Research Institute of Ontario" which shall be a body corporate and responsible to the Minister.

Agricultural
Research
Institute
of Ontario

(2) The Research Institute shall consist of not more than fifteen members appointed by the Lieutenant Governor in Council.

Composition
of Research
Institute

(3) The Lieutenant Governor in Council shall appoint from the persons appointed under subsection 2 a chairman and a vice-chairman of the Research Institute.

Chairman,
vice-
chairman

Term of appointment (4) An appointment under subsection 2 shall be for a term of not more than three years but any person is eligible for re-appointment.

Expiration of term (5) When the term of a member of the Research Institute expires, he continues to be a member until his successor is appointed.

Quorum (6) A majority of the members of the Research Institute constitutes a quorum.

Absence of chairman (7) The vice-chairman shall, in the absence or disability of the chairman, possess and exercise the powers and duties of the chairman.

Remuneration (8) The members of the Research Institute shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Duties of Research Institute **3.** The duties and responsibilities of the Research Institute are,

(a) to make rules governing its procedures;

(b) to appoint an executive committee and such other committees as it deems advisable and to delegate to any such committee any of its duties and responsibilities;

(c) to inquire into programmes of research in respect of agriculture, veterinary medicine and household science;

(d) to select and recommend areas of research for the betterment of agriculture, veterinary medicine and household science; and

(e) to stimulate interest in research as a means of developing in Ontario a high degree of efficiency in the production and marketing of agricultural products.

Property **4.—(1)** All real and personal property heretofore or hereafter granted, conveyed, devised or bequeathed for purposes of research to, or to any person in trust for, the Federated Colleges or any of them, subject to any trust affecting the same, is vested in the Director of Research.

Moneys for research (2) The Research Institute may take by gift, grant, donation or bequest moneys for use in research.

(3) Moneys received by the Research Institute under sub-section 2 shall be held in trust by the Director of Research and shall be allocated for programmes of research in accordance with the terms, if any, of the gift, grant, donation or bequest. ^{Idem}

5. Except with the approval of the Minister, the Research Institute shall not incur any liability or make any expenditure that is not provided for in the income for the Research Institute unless provided for by moneys appropriated therefor by the Legislature or for which funds otherwise have been furnished therefor. ^{Expenditure}

6. The accounts of the Research Institute are subject to audit by the Provincial Auditor. ^{Audit of accounts}

7. The Research Institute shall submit an annual report on its affairs to the Minister, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. ^{Annual report}

8. The Research Institute shall submit to the Minister such reports on its financial affairs and the progress of its work as the Minister from time to time requires. ^{Other reports}

9.—(1) There shall be a Director of Research appointed by the Lieutenant Governor in Council who shall be the administrator of the business and affairs of the Research Institute. ^{Director of Research}

(2) The duties and responsibilities of the Director of Research are, ^{Duties of Director}

- (a) to co-ordinate programmes of research of the Research Institute with programmes in comparable areas of research by other institutions and organizations;
- (b) to select, develop and maintain research programmes in accordance with the needs of agriculture, veterinary medicine and household science in Ontario;
- (c) to maintain a balance of effort in research among various areas of research;
- (d) to inquire into the efficiency of programmes of research undertaken in conjunction with academic work at other institutions of learning and research in Ontario;
- (e) to establish operational budgets for programmes of research in agriculture, veterinary medicine and

household science at other institutions of learning and research in Ontario where the facilities and personnel are available for such programmes; and

- (f) to determine matters of integration of research with the academic work of the Federated Colleges and other institutions of learning and research that are administered by the Department of Agriculture.

Idem

10. The Director of Research shall have supervision over every programme of research for which funds have been supplied by the Research Institute.

Estimates of expenditures

11. The Director of Research shall prepare and submit to the Minister an estimate of all expenditures required during the next ensuing year.

Comptroller

12.—(1) There shall be a Comptroller for the Research Institute who is responsible to the Director of Research.

Duties of Comptroller

(2) The Comptroller shall,

- (a) supervise the business affairs of the Research Institute;
- (b) prepare the budget for the Research Institute;
- (c) prepare such financial reports and statistical surveys as are required by the Director of Research or by the Minister; and
- (d) perform such other duties and functions as are assigned to him from time to time by the Director of Research or by the Research Institute.

Power to acquire patents, etc.

13. Subject to the approval of the Minister, the Research Institute may purchase or otherwise acquire any invention or any interest therein, or any rights in respect thereof, or any secret or other information as to any invention, and apply for, purchase or otherwise acquire, any patents, interest in patents, licences or other rights conferring any exclusive or non-exclusive or limited right to make, use or sell any invention or inventions and to use, exercise, develop, dispose of, assign or grant licences in respect of or otherwise turn to account the property rights or information so acquired, and possess, exercise and enjoy all the rights, powers and privileges that the owner of any invention or any rights in respect thereof or the owner of a patent or invention or of any rights thereunder may possess, exercise and enjoy.

14. This Act comes into force on a day to be named by ^{Commence-}
the Lieutenant Governor by his proclamation. _{ment}

15. This Act may be cited as *The Agricultural Research* ^{Short title}
Institute of Ontario Act, 1961-62.

An Act to provide for the Establishment of
the Agricultural Research Institute
of Ontario

1st Reading

December 11th, 1961

2nd Reading

3rd Reading

MR. STEWART

BILL 50

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to provide for the Establishment of the Agricultural Research Institute of Ontario

MR. STEWART

(Reprinted as amended by the Committee on Agriculture)

EXPLANATORY NOTE

This Bill provides for the establishment of an agricultural research institute to direct and control programs of research in agriculture, veterinary medicine and household science and provides a means of co-ordinating agricultural research projects in Ontario.

BILL 50

1961-62

An Act to provide for the Establishment of the Agricultural Research Institute of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Director of Research" means the administrator of the Agricultural Research Institute of Ontario;
- (b) "Federated Colleges" means the Federated Colleges of the Department of Agriculture, comprising the Ontario Agricultural College, the Ontario Veterinary College, and the Macdonald Institute;
- (c) "Minister" means the Minister of Agriculture;
- (d) "research" means research carried out and services provided in respect of agriculture, veterinary medicine and household science;
- (e) "Research Institute" means the Agricultural Research Institute of Ontario.

2.—(1) There shall be a research institute to be known as the "Agricultural Research Institute of Ontario" which shall be a body corporate and responsible to the Minister.

(2) The Research Institute shall consist of not more than fifteen members appointed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council shall appoint from the persons appointed under subsection 2 a chairman and a vice-chairman of the Research Institute.

Term of appointment	(4) An appointment under subsection 2 shall be for a term of not more than three years but any person is eligible for re-appointment.
Expiration of term	(5) When the term of a member of the Research Institute expires, he continues to be a member until his successor is appointed.
Quorum	(6) A majority of the members of the Research Institute constitutes a quorum.
Absence of chairman	(7) The vice-chairman shall, in the absence or disability of the chairman, possess and exercise the powers and duties of the chairman.
Remuneration	(8) The members of the Research Institute shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.
Duties of Research Institute	<p>3. The duties and responsibilities of the Research Institute are,</p> <ul style="list-style-type: none"> (a) to make rules governing its procedures; (b) to appoint an executive committee and such other committees as it deems advisable and to delegate to any such committee any of its duties and responsibilities; (c) to inquire into programmes of research in respect of agriculture, veterinary medicine and household science; (d) to select and recommend areas of research for the betterment of agriculture, veterinary medicine and household science; and (e) to stimulate interest in research as a means of developing in Ontario a high degree of efficiency in the production and marketing of agricultural products.
Property	<p>4.—(1) All property heretofore or hereafter granted, conveyed, devised or bequeathed for purposes of research to, or to any person in trust for, the Federated Colleges or any of them or any other institutions of the Department of Agriculture that are engaged in research, subject to any trust affecting the same, is vested in the Research Institute.</p>
Moneys for research	(2) The Research Institute may take by gift, grant, donation or bequest moneys for use in research.

(3) Moneys received by the Research Institute under sub-^{Idem} section 2 shall be held in trust by the Director of Research and shall be allocated for programmes of research in accordance with the terms, if any, of the gift, grant, donation or bequest.

5. Except with the approval of the Minister, the Research^{Expenditure} Institute shall not incur any liability or make any expenditure that is not provided for in the income for the Research Institute unless provided for by moneys appropriated therefor by the Legislature or for which funds otherwise have been furnished therefor.

6. The accounts of the Research Institute are subject to^{Audit of accounts} audit by the Provincial Auditor.

7. The Research Institute shall submit an annual report on^{Annual report} its affairs to the Minister, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

8. The Research Institute shall submit to the Minister^{Other reports} such reports on its financial affairs and the progress of its work as the Minister from time to time requires.

9.—(1) There shall be a Director of Research appointed by^{Director of Research} the Lieutenant Governor in Council who shall be the administrator of the business and affairs of the Research Institute.

(2) The duties and responsibilities of the Director of^{Duties of Director} Research are,

- (a) to co-ordinate programmes of research of the Research Institute with programmes in comparable areas of research by other institutions and organizations;
- (b) to select, develop and maintain research programmes in accordance with the needs of agriculture, veterinary medicine and household science in Ontario;
- (c) to maintain a balance of effort in research among various areas of research;
- (d) to inquire into the efficiency of programmes of research undertaken in conjunction with academic work at other institutions of learning and research in Ontario;
- (e) to establish the operational budgets of the Research Institute for programmes of research in agriculture, veterinary medicine and household science at the

Federated Colleges or any of them and at any other institutions of the Department of Agriculture that are engaged in research and at other institutions in Ontario where the facilities and personnel are available for such programmes; and

- (f) to determine matters of integration of research with the academic work of the Federated Colleges and other institutions of learning and research that are administered by the Department of Agriculture.

Idem

10. The Director of Research shall have supervision over every programme of research for which funds have been supplied by the Research Institute.

Estimates of expenditures

11. The Director of Research shall prepare and submit to the Minister an estimate of all expenditures required during the next ensuing year.

Comptroller

12.—(1) There shall be a Comptroller for the Research Institute who is responsible to the Director of Research.

Duties of Comptroller

(2) The Comptroller shall,

- (a) supervise the business affairs of the Research Institute;
- (b) prepare the budget for the Research Institute;
- (c) prepare such financial reports and statistical surveys as are required by the Director of Research or by the Minister; and
- (d) perform such other duties and functions as are assigned to him from time to time by the Director of Research or by the Research Institute.

Power to acquire patents, etc

13. Subject to the approval of the Minister, the Research Institute may purchase or arrange for the use of any invention or any interest therein, or any rights in respect thereof, or any secret or other information as to any invention, and apply for, purchase or otherwise acquire, any patents, interest in patents, licences or other rights conferring any exclusive or non-exclusive or limited right to make, use or sell any invention or inventions and to use, exercise, develop, dispose of, assign or grant licences in respect of or otherwise turn to account the property rights or information so acquired, and possess, exercise and enjoy all the rights, powers and privileges that the owner of any invention or any rights in respect thereof or the owner of a patent or invention or of any rights thereunder may possess, exercise and enjoy.

14. This Act comes into force on a day to be named by ^{Commence-}the Lieutenant Governor by his proclamation. ^{ment}

15. This Act may be cited as *The Agricultural Research* ^{Short title}
Institute of Ontario Act, 1961-62.

An Act to provide for the Establishment of
the Agricultural Research Institute
of Ontario

1st Reading

December 11th, 1961

2nd Reading

December 12th, 1961

3rd Reading

MR. STEWART

(Reprinted as amended by the
Committee on Agriculture)

BILL 50

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to provide for the Establishment of the Agricultural Research Institute of Ontario

MR. STEWART

26

BILL 50

1961-62

An Act to provide for the Establishment of the Agricultural Research Institute of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Director of Research" means the administrator of the Agricultural Research Institute of Ontario;
- (b) "Federated Colleges" means the Federated Colleges of the Department of Agriculture, comprising the Ontario Agricultural College, the Ontario Veterinary College, and the Macdonald Institute;
- (c) "Minister" means the Minister of Agriculture;
- (d) "research" means research carried out and services provided in respect of agriculture, veterinary medicine and household science;
- (e) "Research Institute" means the Agricultural Research Institute of Ontario.

2.—(1) There shall be a research institute to be known as the "Agricultural Research Institute of Ontario" which shall be a body corporate and responsible to the Minister.

Agricultural
Research
Institute
of Ontario

(2) The Research Institute shall consist of not more than fifteen members appointed by the Lieutenant Governor in Council.

Composition
of Research
Institute

(3) The Lieutenant Governor in Council shall appoint from the persons appointed under subsection 2 a chairman and a vice-chairman of the Research Institute.

Chairman,
vice-
chairman

Term of appointment (4) An appointment under subsection 2 shall be for a term of not more than three years but any person is eligible for re-appointment.

Expiration of term (5) When the term of a member of the Research Institute expires, he continues to be a member until his successor is appointed.

Quorum (6) A majority of the members of the Research Institute constitutes a quorum.

Absence of chairman (7) The vice-chairman shall, in the absence or disability of the chairman, possess and exercise the powers and duties of the chairman.

Remuneration (8) The members of the Research Institute shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Duties of Research Institute **3.** The duties and responsibilities of the Research Institute are,

- (a) to make rules governing its procedures;
- (b) to appoint an executive committee and such other committees as it deems advisable and to delegate to any such committee any of its duties and responsibilities;
- (c) to inquire into programmes of research in respect of agriculture, veterinary medicine and household science;
- (d) to select and recommend areas of research for the betterment of agriculture, veterinary medicine and household science; and
- (e) to stimulate interest in research as a means of developing in Ontario a high degree of efficiency in the production and marketing of agricultural products.

Property **4.—**(1) All property heretofore or hereafter granted, conveyed, devised or bequeathed for purposes of research to, or to any person in trust for, the Federated Colleges or any of them or any other institutions of the Department of Agriculture that are engaged in research, subject to any trust affecting the same, is vested in the Research Institute.

Moneys for research (2) The Research Institute may take by gift, grant, donation or bequest moneys for use in research.

(3) Moneys received by the Research Institute under sub-Idem section 2 shall be held in trust by the Director of Research and shall be allocated for programmes of research in accordance with the terms, if any, of the gift, grant, donation or bequest.

5. Except with the approval of the Minister, the Research Institute shall not incur any liability or make any expenditure that is not provided for in the income for the Research Institute unless provided for by moneys appropriated therefor by the Legislature or for which funds otherwise have been furnished therefor. ^{Expenditure}

6. The accounts of the Research Institute are subject to audit by the Provincial Auditor. ^{Audit of accounts}

7. The Research Institute shall submit an annual report on its affairs to the Minister, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. ^{Annual report}

8. The Research Institute shall submit to the Minister such reports on its financial affairs and the progress of its work as the Minister from time to time requires. ^{Other reports}

9.—(1) There shall be a Director of Research appointed by the Lieutenant Governor in Council who shall be the administrator of the business and affairs of the Research Institute. ^{Director of Research}

(2) The duties and responsibilities of the Director of Research are, ^{Duties of Director}

- (a) to co-ordinate programmes of research of the Research Institute with programmes in comparable areas of research by other institutions and organizations;
- (b) to select, develop and maintain research programmes in accordance with the needs of agriculture, veterinary medicine and household science in Ontario;
- (c) to maintain a balance of effort in research among various areas of research;
- (d) to inquire into the efficiency of programmes of research undertaken in conjunction with academic work at other institutions of learning and research in Ontario;
- (e) to establish the operational budgets of the Research Institute for programmes of research in agriculture, veterinary medicine and household science at the

Federated Colleges or any of them and at any other institutions of the Department of Agriculture that are engaged in research and at other institutions in Ontario where the facilities and personnel are available for such programmes; and

- (f) to determine matters of integration of research with the academic work of the Federated Colleges and other institutions of learning and research that are administered by the Department of Agriculture.

Idem

10. The Director of Research shall have supervision over every programme of research for which funds have been supplied by the Research Institute.

Estimates of expenditures

11. The Director of Research shall prepare and submit to the Minister an estimate of all expenditures required during the next ensuing year.

Comptroller

12.—(1) There shall be a Comptroller for the Research Institute who is responsible to the Director of Research.

Duties of Comptroller

(2) The Comptroller shall,

- (a) supervise the business affairs of the Research Institute;
- (b) prepare the budget for the Research Institute;
- (c) prepare such financial reports and statistical surveys as are required by the Director of Research or by the Minister; and
- (d) perform such other duties and functions as are assigned to him from time to time by the Director of Research or by the Research Institute.

Power to acquire patents, etc.

13. Subject to the approval of the Minister, the Research Institute may purchase or arrange for the use of any invention or any interest therein, or any rights in respect thereof, or any secret or other information as to any invention, and apply for, purchase or otherwise acquire, any patents, interest in patents, licences or other rights conferring any exclusive or non-exclusive or limited right to make, use or sell any invention or inventions and to use, exercise, develop, dispose of, assign or grant licences in respect of or otherwise turn to account the property rights or information so acquired, and possess, exercise and enjoy all the rights, powers and privileges that the owner of any invention or any rights in respect thereof or the owner of a patent or invention or of any rights thereunder may possess, exercise and enjoy.

14. This Act comes into force on a day to be named by ^{Commence-}
the Lieutenant Governor by his proclamation.

15. This Act may be cited as *The Agricultural Research* ^{Short title}
Institute of Ontario Act, 1961-62.

An Act to provide for the Establishment of
the Agricultural Research Institute
of Ontario

1st Reading

December 11th, 1961

2nd Reading

December 12th, 1961

3rd Reading

March 30th, 1962

MR. STEWART

BILL 51

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Hospital Services Commission Act

MR. DYMOND

EXPLANATORY NOTE

The purpose of this amendment is to give the Commission the right to collect the cost of hospitalization from a person whose negligence injures an uninsured indigent who has been hospitalized as a result of his injuries.

BILL 51

1961-62

**An Act to amend
The Hospital Services Commission Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 of subsection 1 of section 15 of *The Hospital Services Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 176, s. 15,
subs. 1, cl. 1,
re-enacted

- (1) subrogating the Commission to any right of recovery by an insured person or by a hospital indigent described in the regulations in respect of any injury or disability and providing the terms and conditions under which an action to enforce such rights may be begun, conducted and settled.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Hospital Services Commission Amendment Act, 1961-62*. Short title

An Act to amend The Hospital Services
Commission Act

1st Reading

December 12th, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 51

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Hospital Services Commission Act

MR. DYMOND

BILL 51

1961-62

**An Act to amend
The Hospital Services Commission Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 of subsection 1 of section 15 of *The Hospital Services Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 176, s. 15,
subs. 1, cl. 1,
re-enacted

- (1) subrogating the Commission to any right of recovery by an insured person or by a hospital indigent described in the regulations in respect of any injury or disability and providing the terms and conditions under which an action to enforce such rights may be begun, conducted and settled.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Hospital Services Commission Amendment Act, 1961-62*. Short title

An Act to amend The Hospital Services
Commission Act

1st Reading

December 12th, 1961

2nd Reading

February 22nd, 1962

3rd Reading

March 12th, 1962

MR. DYMOND

BILL 52

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Public Hospitals Act

MR. DYMOND

EXPLANATORY NOTE

The purpose of this amendment is to make it clear that no hospital approved under *The Public Hospitals Act* shall dispose of any hospital land without the approval of the Ontario Hospital Services Commission.

No change in principle is involved.

BILL 52

1961-62

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 4 of *The Public Hospitals Act* is ^{R.S.O. 1960, c. 322, s. 4, subs. 5, amended} amended by inserting after "No" in the first line "land", so that the subsection shall read as follows:

- (5) No land, building or other premises or place or any ^{Sale, etc., to be approved} part thereof acquired or used for the purposes of a hospital shall be sold, leased, mortgaged or otherwise disposed of without the approval of the Commission.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Public Hospitals Amend-* Short title
ment Act, 1961-62.

An Act to amend
The Public Hospitals Act

1st Reading

December 12th, 1961

2nd Reading

3rd Reading

MR. DYMOND

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Public Hospitals Act

MR. DYMOND

BILL 52

1961-62

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 4 of *The Public Hospitals Act* is amended by inserting after "No" in the first line "land", so that the subsection shall read as follows: R.S.O. 1960, c. 322, s. 4, subs. 5, amended

- (5) No land, building or other premises or place or any part thereof acquired or used for the purposes of a hospital shall be sold, leased, mortgaged or otherwise disposed of without the approval of the Commission. Sale, etc., to be approved

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Public Hospitals Amendment Act, 1961-62*. Short title

An Act to amend
The Public Hospitals Act

1st Reading

December 12th, 1961

2nd Reading

February 22nd, 1962

3rd Reading

March 12th, 1962

MR. DYMOND

BILL 53

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Fair Employment Practices Act

MR. DAVISON

EXPLANATORY NOTE

The purpose of the amendments is to prevent discrimination in employment because of age, except within the limits set out in the provision added by subsection 2 of section 1 of the Bill.

BILL 53

1961-62

**An Act to amend
The Fair Employment Practices Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 3 of *The Fair Employment Practices Act* ^{R.S.O. 1960, c. 132, s. 3, amended} is amended by inserting after "his" in the fourth line "age", so that subsection 1 of the said section shall read as follows:

- (1) No employer or person acting on behalf of an ^{Employers not to discriminate in employment practices} employer shall refuse to employ or to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because of his age, race, creed, colour, nationality, ancestry or place of origin.

(2) The said section 3 is further amended by adding ^{R.S.O. 1960, c. 132, s. 3, amended} thereto the following subsection:

- (2) Nothing in subsection 1 prevents an employer from ^{Exceptions} refusing to employ or to continue to employ a person who is physically incapable of performing the work required, from retiring an employee under a *bona fide* retirement scheme or policy or from varying insurance or pension coverage according to an employee's age.

2. Section 4 of *The Fair Employment Practices Act* ^{R.S.O. 1960, c. 132, s. 4, amended} is amended by inserting after "of" in the third line "age", so that the section shall read as follows:

4. No trade union shall exclude from membership or ^{Membership in trade union} expel or suspend any person or member or discriminate against any person or member because of age, race, creed, colour, nationality, ancestry or place of origin.

R.S.O. 1960,
c. 132, s. 5,
amended

3. Section 5 of *The Fair Employment Practices Act* is amended by inserting after "the" in the fifth line "age", so that the section shall read as follows:

Employment
applications
and adver-
tisements
not to
discriminate

5. No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to the age, race, creed, colour, nationality, ancestry or place of origin of any person.

Commence-
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The Fair Employment Practices Amendment Act, 1961-62*.

An Act to amend
The Fair Employment Practices Act

1st Reading

December 12th, 1961

2nd Reading

3rd Reading

MR. DAVISON

BILL 54

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to establish the Ontario Code of Human Rights and to provide for its Administration

MR. WARRENDER

EXPLANATORY NOTE

The purpose of this Bill is to consolidate and revise *The Fair Employment Practices Act*, *The Female Employees' Fair Remuneration Act*, *The Fair Accommodation Practices Act* and *The Ontario Human Rights Commission Act*.

Arrangement of sections—

PREAMBLE

PART I — Prohibitions	-	-	-	ss. 1-5
PART II — Commission	-	-	-	ss. 6-11
PART III — Complaints	-	-	-	ss. 12, 13
PART IV — Offences	-	-	-	ss. 14-17
PART V — Interpretation	-	-	-	s. 18
PART VI — Miscellaneous	-	-	-	ss. 19-21

BILL 54

1961-62

**An Act to establish the Ontario Code
of Human Rights and to provide
for its Administration**

WHEREAS recognition of the inherent dignity and the Preamble
equal and inalienable rights of all members of the human
family is the foundation of freedom, justice and peace in the
world and is in accord with the Universal Declaration of
Human Rights as proclaimed by the United Nations;

AND WHEREAS it is public policy in Ontario that every
person is free and equal in dignity and rights without regard
to race, creed, colour, nationality, ancestry or place of origin;

AND WHEREAS these principles have been confirmed in
Ontario by a number of enactments of this Legislature;

AND WHEREAS it is desirable to enact a measure to codify
and extend such enactments and to simplify their administra-
tion;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

PART I

1.—(1) No person shall publish or display or cause to be
published or displayed or permit to be published or displayed
any notice, sign, symbol, emblem or other representation
indicating discrimination or an intention to discriminate
against any person or any class of persons for any purpose
because of the race, creed, colour, nationality, ancestry or
place of origin of such person or class of persons. Discrimina-
tion pro-
hibited in
notices,
signs, etc.

(2) Nothing in this section shall be deemed to interfere
with the free expression of opinion upon any subject. Exception
as to
matters of
opinion R.S.O.
1960, c. 131, s. 3, *amended*.

Discrimination prohibited in places to which public admitted

2. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

- (a) deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted; or
- (b) discriminate against any person or class of persons with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. R.S.O. 1960, c. 131, s. 2; 1960-61, c. 28, s. 1, *amended*.

Discrimination prohibited in apartment buildings

3. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

- (a) deny to any person or class of persons occupancy of any apartment in any building that contains more than six self-contained dwelling units; or
- (b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any apartment in any building that contains more than six self-contained dwelling units,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. 1960-61, c. 28, s. 2, *amended*.

Employers not to discriminate in employment practices

4.—(1) No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person with regard to employment or any term or condition of employment because of his race, creed, colour, nationality, ancestry or place of origin.

Membership in trade union

(2) No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, nationality, ancestry or place of origin. R.S.O. 1960, c. 132, ss. 2, 3.

Employment applications and advertisements not to discriminate

(3) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to the race, creed, colour, nationality, ancestry or place of origin of

any person or that requires an applicant to furnish any information concerning race, creed, colour, nationality, ancestry or place of origin. R.S.O. 1960, c. 132, s. 4, *amended*.

(4) This section does not apply,

Where
section does
not apply _a

(a) to a domestic employed in a private home;

(b) to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit;

(c) to an employer who employs fewer than five employees. R.S.O. 1960, c. 132, s. 5.

5.—(1) No employer or person acting on behalf of an employer shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee employed by him for the same work done in the same establishment. ^{Equal pay for equal work}

(2) A difference in the rate of pay between a female and a male employee based on any factor other than sex does not constitute a failure to comply with this section. R.S.O. 1960, c. 139, s. 2, *amended*. ^{Saving}

PART II

6.—(1) The Ontario Human Rights Commission is continued. *New*. ^{Commission continued}

(2) The Commission shall be composed of three or more members as may be fixed from time to time by the Lieutenant Governor in Council. ^{Composition}

(3) The members of the Commission shall be appointed by the Lieutenant Governor in Council. R.S.O. 1960, c. 270, s. 2 (2), *amended*. ^{Members}

(4) The Lieutenant Governor in Council may designate one of the members as chairman. ^{Chairman}

(5) The Lieutenant Governor in Council may fill any vacancy in the membership of the Commission. ^{Vacancies}

(6) The Lieutenant Governor in Council may fix the remuneration of the members of the Commission. R.S.O. 1960, c. 270, s. 2 (3-5). ^{Remuneration}

Responsi-
bility

7. The Commission is responsible to the Minister for the administration of this Act. *New.*

Function

8. The Commission has power to administer this Act and, without limiting the generality of the foregoing, it is the function of the Commission,

- (a) to forward the principle that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry or place of origin;
- (b) to promote an understanding of, acceptance of and compliance with this Act;
- (c) to develop and conduct educational programmes designed to eliminate discriminatory practices related to race, creed, colour, nationality, ancestry or place of origin. R.S.O. 1960, c. 270, s. 3; 1960-61, c. 63, s. 3, *amended*.

Staff

9. The Lieutenant Governor in Council may appoint a secretary and such other officers, clerks and servants of the Commission as are deemed appropriate. R.S.O. 1960, c. 270, s. 4.

Cost

10. The cost of the administration of this Act is payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 270, s. 5.

Regulations

11. The Lieutenant Governor in Council may make regulations adding to or extending the functions of the Commission and respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 270, s. 6, *amended*.

PART III

Complaints

12.—(1) The Commission itself or through any person designated so to do may inquire into the complaint of any person that he has been discriminated against contrary to this Act and it shall endeavour to effect a settlement of the matter complained of.

Form of
complaint

(2) Every such complaint shall be in writing on the form prescribed by the Commission and shall be mailed or delivered to the Commission at its office. R.S.O. 1960, c. 131, s. 4; c. 132, s. 6; c. 139, s. 3, *amended*.

13.—(1) If the Commission is unable to effect a settlement of the matter complained of, the Minister may on the recommendation of the Commission, appoint a board of inquiry composed of one or more persons to investigate the matter and shall forthwith communicate the names of the members of the board to the parties to the complaint, and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act. Boards of inquiry

(2) The board has all the powers of a conciliation board under section 28 of *The Labour Relations Act*. Powers
R.S.O. 1960,
c. 202

(3) The board shall give the parties full opportunity to present evidence and to make submissions and, if it finds that the complaint is supported by the evidence, it shall recommend to the Commission the course that ought to be taken with respect to the complaint. Duties

(4) If the board is composed of more than one person, the recommendations of the majority are the recommendations of the board. Majority
recom-
mendations
to prevail

(5) After the board has made its recommendations, the Commission may direct it to clarify or amplify any of them, and they shall be deemed not to have been received by the Commission until they have been so clarified or amplified. Clarification
of recom-
mendations

(6) The Minister, on the recommendation of the Commission, may issue whatever order he deems necessary to carry the recommendations of the board into effect, and such order is final and shall be complied with in accordance with its terms. Minister's
order

(7) The Lieutenant Governor in Council may determine the rate of remuneration of the chairman and members of boards of inquiry appointed under this section. Remunera-
tion R.S.O. 1960, c. 131, s. 5; c. 132, s. 7; c. 139, s. 4, *amended*.

PART IV

14.—(1) Every person who contravenes any provision of this Act or any order made under this Act is guilty of an offence and on summary conviction is liable, Offence

(a) if an individual, to a fine of not more than \$100; or

(b) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than \$500. R.S.O. 1960, c. 131, s. 6 (1); c. 132, s. 8 (1); c. 139, s. 5 (1), *amended*.

Disposition
of fines

(2) The fines recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 131, s. 6 (2); c. 132, s. 8 (2); c. 139, s. 5 (2).

Consent to
prosecution

15. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister. R.S.O. 1960, c. 131, s. 7; c. 132, s. 10 (1); c. 139, s. 6, *amended*.

Style of
prosecutions

16. A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization. R.S.O. 1960, c. 132, s. 9.

Injunction
proceedings

17.—(1) Where a person has been convicted of a contravention of this Act, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order enjoining such person from continuing such contravention.

Idem

(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. R.S.O. 1960, c. 131, s. 8, *amended*.

PART V

Interpre-
tation

18. In this Act,

- (a) "Commission" means the Ontario Human Rights Commission; R.S.O. 1960, c. 270, c. 1, cl. (a), *amended*.
- (b) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees; R.S.O. 1960, c. 132, s. 1, cl. (c).
- (c) "employment agency" includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons; R.S.O. 1960, c. 132, s. 1, cl. (b).

- (d) "establishment" means a place of business or the place where an undertaking or a part thereof is carried on; R.S.O. 1960, c. 139, s. 1, cl. (b).
- (e) "Minister" means the Minister of Labour or such other member of the Executive Council to whom this Act is assigned by the Lieutenant Governor in Council; R.S.O. 1960, c. 131, s. 1, cl. (a); c. 132, s. 1, cl. (d); c. 139, s. 1, cl. (c); c. 270, s. 1, cl. (b), *amended*.
- (f) "pay" means remuneration in any form; R.S.O. 1960, c. 139, s. 1, cl. (d).
- (g) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers' organization and a trade union; ^{c. 191} R.S.O. 1960.
- (h) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers. R.S.O. 1960, c. 132, s. 1, cls. (e, f).

PART VI

19. *The Fair Employment Practices Act, The Female Employees' Fair Remuneration Act, The Fair Accommodation Practices Act, The Ontario Human Rights Commission Act, The Fair Accommodation Practices Amendment Act, 1960-61 and The Ontario Anti-Discrimination Commission Amendment Act, 1960-61* are repealed. ^{R.S.O. 1960, cc. 132, 139, 131, 270; 1960-61, cc. 28, 63, repealed}

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>

21. This Act may be cited as *The Ontario Human Rights Code, 1961-62*. ^{Short title}

An Act to establish the Ontario Code
of Human Rights and to provide
for its Administration

1st Reading

December 14th, 1961

2nd Reading

3rd Reading

MR. WARRENDER

BILL 54

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to establish the Ontario Code of Human Rights and to provide for its Administration

MR. WARRENDER

U.S. GOVERNMENT PRINTING OFFICE

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BILL 54

1961-62

**An Act to establish the Ontario Code
of Human Rights and to provide
for its Administration**

WHEREAS recognition of the inherent dignity and the ^{Preamble} equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

AND WHEREAS it is public policy in Ontario that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry or place of origin;

AND WHEREAS these principles have been confirmed in Ontario by a number of enactments of this Legislature;

AND WHEREAS it is desirable to enact a measure to codify and extend such enactments and to simplify their administration;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

1.—(1) No person shall publish or display or cause to be published or displayed or permit to be published or displayed any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or any class of persons for any purpose because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. ^{Discrimination prohibited in notices, signs, etc.}

(2) Nothing in this section shall be deemed to interfere with the free expression of opinion upon any subject. ^{Exception as to matters of opinion} R.S.O. 1960, c. 131, s. 3, *amended*.

Discrimination prohibited in places to which public admitted

2. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

- (a) deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted; or
- (b) discriminate against any person or class of persons with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. R.S.O. 1960, c. 131, s. 2; 1960-61, c. 28, s. 1, *amended*.

Discrimination prohibited in apartment buildings

3. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

- (a) deny to any person or class of persons occupancy of any apartment in any building that contains more than six self-contained dwelling units; or
- (b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any apartment in any building that contains more than six self-contained dwelling units,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. 1960-61, c. 28, s. 2, *amended*.

Employers not to discriminate in employment practices

4.—(1) No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person with regard to employment or any term or condition of employment because of his race, creed, colour, nationality, ancestry or place of origin.

Membership in trade union

(2) No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, nationality, ancestry or place of origin. R.S.O. 1960, c. 132, ss. 2, 3.

Employment applications and advertisements not to discriminate

(3) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to the race, creed, colour, nationality, ancestry or place of origin of

any person or that requires an applicant to furnish any information concerning race, creed, colour, nationality, ancestry or place of origin. R.S.O. 1960, c. 132, s. 4, *amended*.

(4) This section does not apply,

Where
section does
not apply

(a) to a domestic employed in a private home;

(b) to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit;

(c) to an employer who employs fewer than five employees. R.S.O. 1960, c. 132, s. 5.

5.—(1) No employer or person acting on behalf of an employer shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee employed by him for the same work done in the same establishment. Equal pay for equal work

(2) A difference in the rate of pay between a female and a male employee based on any factor other than sex does not constitute a failure to comply with this section. R.S.O. 1960, c. 139, s. 2, *amended*. Saving

PART II

6.—(1) The Ontario Human Rights Commission is continued. *New.* Commission continued

(2) The Commission shall be composed of three or more members as may be fixed from time to time by the Lieutenant Governor in Council. Composition

(3) The members of the Commission shall be appointed by the Lieutenant Governor in Council. R.S.O. 1960, c. 270, s. 2 (2), *amended*. Members

(4) The Lieutenant Governor in Council may designate one of the members as chairman. Chairman

(5) The Lieutenant Governor in Council may fill any vacancy in the membership of the Commission. Vacancies

(6) The Lieutenant Governor in Council may fix the remuneration of the members of the Commission. R.S.O. 1960, c. 270, s. 2 (3-5). Remuneration

Responsi-
bility

7. The Commission is responsible to the Minister for the administration of this Act. *New.*

Function

8. The Commission has power to administer this Act and, without limiting the generality of the foregoing, it is the function of the Commission, .

(a) to forward the principle that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry or place of origin;

(b) to promote an understanding of, acceptance of and compliance with this Act;

(c) to develop and conduct educational programmes designed to eliminate discriminatory practices related to race, creed, colour, nationality, ancestry or place of origin. R.S.O. 1960, c. 270, s. 3; 1960-61, c. 63, s. 3, *amended*.

Staff

9. The Lieutenant Governor in Council may appoint a secretary and such other officers, clerks and servants of the Commission as are deemed appropriate. R.S.O. 1960, c. 270, s. 4.

Cost

10. The cost of the administration of this Act is payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 270, s. 5.

Regulations

11. The Lieutenant Governor in Council may make regulations adding to or extending the functions of the Commission and respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 270, s. 6, *amended*.

PART III

Complaints

12.—(1) The Commission itself or through any person designated so to do may inquire into the complaint of any person that he has been discriminated against contrary to this Act and it shall endeavour to effect a settlement of the matter complained of.

Form of
complaint

(2) Every such complaint shall be in writing on the form prescribed by the Commission and shall be mailed or delivered to the Commission at its office. R.S.O. 1960, c. 131, s. 4; c. 132, s. 6; c. 139, s. 3, *amended*.

13.—(1) If the Commission is unable to effect a settlement of the matter complained of, the Minister may on the recommendation of the Commission, appoint a board of inquiry composed of one or more persons to investigate the matter and shall forthwith communicate the names of the members of the board to the parties to the complaint, and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act. Boards of inquiry

(2) The board has all the powers of a conciliation board under section 28 of *The Labour Relations Act*. Powers
R.S.O. 1960,
c. 202

(3) The board shall give the parties full opportunity to present evidence and to make submissions and, if it finds that the complaint is supported by the evidence, it shall recommend to the Commission the course that ought to be taken with respect to the complaint. Duties

(4) If the board is composed of more than one person, the recommendations of the majority are the recommendations of the board. Majority
recom-
mendations
to prevail

(5) After the board has made its recommendations, the Commission may direct it to clarify or amplify any of them, and they shall be deemed not to have been received by the Commission until they have been so clarified or amplified. Clarification
of recom-
mendations

(6) The Minister, on the recommendation of the Commission, may issue whatever order he deems necessary to carry the recommendations of the board into effect, and such order is final and shall be complied with in accordance with its terms. Minister's
order

(7) The Lieutenant Governor in Council may determine the rate of remuneration of the chairman and members of boards of inquiry appointed under this section. R.S.O. 1960, c. 131, s. 5; c. 132, s. 7; c. 139, s. 4, *amended*. Remunera-
tion

PART IV

14.—(1) Every person who contravenes any provision of this Act or any order made under this Act is guilty of an offence and on summary conviction is liable, Offence

(a) if an individual, to a fine of not more than \$100; or

(b) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than \$500. R.S.O. 1960, c. 131, s. 6 (1); c. 132, s. 8 (1); c. 139, s. 5 (1), *amended*.

Disposition
of fines

(2) The fines recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 131, s. 6 (2); c. 132, s. 8 (2); c. 139, s. 5 (2).

Consent to
prosecution

15. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister. R.S.O. 1960, c. 131, s. 7; c. 132, s. 10 (1); c. 139, s. 6, *amended*.

Style of
prosecutions

16. A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization. R.S.O. 1960, c. 132, s. 9.

Injunction
proceedings

17.—(1) Where a person has been convicted of a contravention of this Act, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order enjoining such person from continuing such contravention.

Idem

(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. R.S.O. 1960, c. 131, s. 8, *amended*.

PART V

Interpre-
tation

18. In this Act,

- (a) "Commission" means the Ontario Human Rights Commission; R.S.O. 1960, c. 270, c. 1, cl. (a), *amended*.
- (b) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees; R.S.O. 1960, c. 132, s. 1, cl. (c).
- (c) "employment agency" includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons; R.S.O. 1960, c. 132, s. 1, cl. (b).

- (d) "establishment" means a place of business or the place where an undertaking or a part thereof is carried on; R.S.O. 1960, c. 139, s. 1, cl. (b).
- (e) "Minister" means the Minister of Labour or such other member of the Executive Council to whom this Act is assigned by the Lieutenant Governor in Council; R.S.O. 1960, c. 131, s. 1, cl. (a); c. 132, s. 1, cl. (d); c. 139, s. 1, cl. (c); c. 270, s. 1, cl. (b), *amended*.
- (f) "pay" means remuneration in any form; R.S.O. 1960, c. 139, s. 1, cl. (d).
- (g) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers' organization and a trade union^{c. 191} R.S.O. 1960,
- (h) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers. R.S.O. 1960, c. 132, s. 1, cls. (e, f).

PART VI

19. *The Fair Employment Practices Act, The Female Employees' Fair Remuneration Act, The Fair Accommodation Practices Act, The Ontario Human Rights Commission Act, The Fair Accommodation Practices Amendment Act, 1960-61* and *The Ontario Anti-Discrimination Commission Amendment Act, 1960-61* are repealed. R.S.O. 1960, cc. 132, 139, 131, 270; 1960-61, cc. 28, 63, repealed

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

21. This Act may be cited as *The Ontario Human Rights Code, 1961-62*. Short title

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In view to establish the Ontario Corp.

An Act to establish the Ontario Code
of Human Rights and to provide
for its Administration

1st Reading

December 14th, 1961

2nd Reading

February 22nd, 1962

3rd Reading

March 12th, 1962

MR. WARRENDER

BILL 55

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act respecting Certain Lands in the Town of Gananoque

MR. SPOONER

EXPLANATORY NOTE

The lands described in Schedule A were dedicated by the late Joel Stone in the year 1804 to the public use as a burying ground for the use of the inhabitants of the Village of Gananoque and its vicinity and pursuant to a judgment of the Court of Chancery in the year 1871 were conveyed to the Crown. Pursuant to the judgment, the Corporation of the Village of Gananoque covenanted to take the supervision of the lands. The lands are not now used as a burying ground, and there is evidence that the lands have not been used for such purpose for over 80 years and that all the bodies were removed therefrom over 80 years ago. Adjacent owners have encroached on, fenced and used parts of the lands for many years.

This Bill provides for the granting of letters patent to adjacent owners who have encroached on the old burying grounds and for the granting of the remainder of the burying grounds to the Town of Gananoque.

BILL 55

1961-62

An Act respecting Certain Lands in the Town of Gananoque

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands composed of parts of lots 1044 to 1048, ^{Lands vested in Crown} both inclusive, as shown on the West Part of a plan registered in the Registry Office for the Registry Division of the County of Leeds as number 86 and more particularly described in Schedule A hereto, are hereby vested in Her Majesty the Queen in right of Ontario in fee simple, free of any right, title, interest or trust.

2. The Minister of Lands and Forests may direct the issue ^{Encroachments} of letters patent granting to any adjacent owner who has encroached on any part of the lands described in Schedule A title to the part in fee simple at a fee of \$50 and any cost incurred in connection with the survey or preparation of description of the part.

3. The Minister of Lands and Forests may direct the issue ^{Remainder of land} of letters patent granting the part of the lands described in Schedule A not granted under section 2 to The Corporation of the Town of Gananoque.

4. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

5. This Act may be cited as *The Gananoque Lands Act*, ^{Short title} 1961-62.

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land in the Town of Gananoque in the County of Leeds, being composed of part of lots 1044 to 1048, both inclusive, as shown on the West Part of a plan registered in the Registry Office for the Registry Division of the said County of Leeds as number 86 and which said parcel or tract of land may be more particularly described as follows:

COMMENCING at a cross in the rock on the east side of Church Street, distant southerly along the east side of Church Street aforesaid, 4 chains and 38 links from the southerly limit of King Street, in the said Town of Gananoque;

THENCE about south 49 degrees east, 3 chains and 1 link to a stone boundary;

THENCE about north 40 degrees and 36 minutes east, 3 chains and 33 links to a stone boundary;

THENCE about north 49 degrees west along the northerly limit of said parcel, 3 chains and 1 link;

THENCE southwesterly, 3 chains and 33 links, more or less, to the place of beginning, containing by admeasurement one (1) acre, more or less, together with a right-of-way to said lands 20 feet in width from a point on Church Street nearest to the burial ground, said right-of-way having a frontage on Church Street of 20 feet, measured northerly along the east side of Church Street 10 feet and southerly along Church Street 10 feet from the cross in the rock on the east side of Church Street, distant southerly 4 chains and 38 links from the southerly limit of King Street and extending back so as to embrace all the land lying between those two points and said described parcel of land, as such described parcel of land is delineated and described on the plan attached to the deed from Robert and Margaret Brough to Her Majesty Queen Victoria, dated the 18th day of May, 1871, and registered as No. 108, in the Registry Office for the Registry Division for the County of Leeds.

An Act respecting Certain Lands
in the Town of Gananoque

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

MR. SPOONER

BILL 55

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act respecting Certain Lands in the Town of Gananoque

MR. SPOONER

BILL 55

1961-62

An Act respecting Certain Lands in the Town of Gananoque

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands composed of parts of lots 1044 to 1048, ^{Lands vested in Crown} both inclusive, as shown on the West Part of a plan registered in the Registry Office for the Registry Division of the County of Leeds as number 86 and more particularly described in Schedule A hereto, are hereby vested in Her Majesty the Queen in right of Ontario in fee simple, free of any right, title, interest or trust.

2. The Minister of Lands and Forests may direct the issue ^{Encroachments} of letters patent granting to any adjacent owner who has encroached on any part of the lands described in Schedule A title to the part in fee simple at a fee of \$50 and any cost incurred in connection with the survey or preparation of description of the part.

3. The Minister of Lands and Forests may direct the issue ^{Remainder of land} of letters patent granting the part of the lands described in Schedule A not granted under section 2 to The Corporation of the Town of Gananoque.

4. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

5. This Act may be cited as *The Gananoque Lands Act*, ^{Short title} 1961-62.

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land in the Town of Gananoque in the County of Leeds, being composed of part of lots 1044 to 1048, both inclusive, as shown on the West Part of a plan registered in the Registry Office for the Registry Division of the said County of Leeds as number 86 and which said parcel or tract of land may be more particularly described as follows:

COMMENCING at a cross in the rock on the east side of Church Street, distant southerly along the east side of Church Street aforesaid, 4 chains and 38 links from the southerly limit of King Street, in the said Town of Gananoque;

THENCE about south 49 degrees east, 3 chains and 1 link to a stone boundary;

THENCE about north 40 degrees and 36 minutes east, 3 chains and 33 links to a stone boundary;

THENCE about north 49 degrees west along the northerly limit of said parcel, 3 chains and 1 link;

THENCE southwesterly, 3 chains and 33 links, more or less, to the place of beginning, containing by admeasurement one (1) acre, more or less, together with a right-of-way to said lands 20 feet in width from a point on Church Street nearest to the burial ground, said right-of-way having a frontage on Church Street of 20 feet, measured northerly along the east side of Church Street 10 feet and southerly along Church Street 10 feet from the cross in the rock on the east side of Church Street, distant southerly 4 chains and 38 links from the southerly limit of King Street and extending back so as to embrace all the land lying between those two points and said described parcel of land, as such described parcel of land is delineated and described on the plan attached to the deed from Robert and Margaret Brough to Her Majesty Queen Victoria, dated the 18th day of May, 1871, and registered as No. 108, in the Registry Office for the Registry Division for the County of Leeds.

An Act respecting Certain Lands
in the Town of Gananogue

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

March 12th, 1962

MR. SPOONER

BILL 56

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Crown Timber Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1. Chips produced as by-products of the manufacture of lumber are included in the list of products into which timber must be manufactured in Canada.

SECTION 2. The provisions placing the responsibility for regeneration of cut-over areas on the licensee are deleted, and the Minister is authorized to enter into agreements for this purpose. This amendment is supplementary to the Department's policy of shifting the primary responsibility for regeneration to the Crown.

BILL 56

1961-62

An Act to amend The Crown Timber Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Crown Timber Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 83, s. 14,
amended

(1a) For the purpose of subsection 1, chips produced as a by-product of the manufacture of lumber shall be deemed to be manufactured into lumber. Lumber
chips
deemed
to be manu-
factured

2.—(1) Clause *a* of subsection 1 of section 25 of *The Crown Timber Act* is amended by striking out “together with a statement of the measures to be taken by him from time to time during the term of his licence to promote and maintain the productivity of the areas cut over in accordance with such annual plan” in the sixth, seventh, eighth, ninth and tenth lines, so that the clause shall read as follows: R.S.O. 1960,
c. 83, s. 25,
subs. 1,
cl. *a*,
amended

(a) at least sixty days before cutting operations commence in each year, but not later than the 15th day of June, an annual plan for the cutting operations to be conducted by him during the twelve-month period commencing on the 1st day of April in that year; and

.

(2) Subsection 4 of the said section 25 is repealed and the following substituted therefor: R.S.O. 1960,
c. 83, s. 25,
subs. 4,
re-enacted

(4) The Minister may enter into an agreement with a licensee for the promotion and maintenance of the productivity of the licensed area. Regeneration
agreements

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Crown Timber Amendment Act, 1961-62*. Short title

An Act to amend
The Crown Timber Act

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

MR. SPOONER

BILL 56

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Crown Timber Act

MR. SPOONER

BILL 56

1961-62

An Act to amend The Crown Timber Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Crown Timber Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 83, s. 14, amended

(1a) For the purpose of subsection 1, chips produced as a by-product of the manufacture of lumber shall be deemed to be manufactured into lumber. Lumber chips deemed to be manufactured

2.—(1) Clause *a* of subsection 1 of section 25 of *The Crown Timber Act* is amended by striking out “together with a statement of the measures to be taken by him from time to time during the term of his licence to promote and maintain the productivity of the areas cut over in accordance with such annual plan” in the sixth, seventh, eighth, ninth and tenth lines, so that the clause shall read as follows: R.S.O. 1960, c. 83, s. 25, subs. 1, cl. *a*, amended

(a) at least sixty days before cutting operations commence in each year, but not later than the 15th day of June, an annual plan for the cutting operations to be conducted by him during the twelve-month period commencing on the 1st day of April in that year; and

.

(2) Subsection 4 of the said section 25 is repealed and the following substituted therefor: R.S.O. 1960, c. 83, s. 25, subs. 4, re-enacted

(4) The Minister may enter into an agreement with a licensee for the promotion and maintenance of the productivity of the licensed area. Regeneration agreements

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Crown Timber Amendment Act, 1961-62*. Short title

An Act to amend
The Crown Timber Act

1st Reading

February 20th, 1962

2nd Reading

February 22nd, 1962

3rd Reading

March 12th, 1962

MR. SPOONER

BILL 57

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Mining Act

MR. WARDROPE

EXPLANATORY NOTE

This Bill contains a revision of:

Part IX — Operation of Mines

Part X — Refinery Provisions

Part XI — Offences, Penalties and Prosecutions

The purpose of the revision is to bring these Parts into line with modern mining practices.

BILL 57

1961-62

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Parts IX, X and XI of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 241,
Pts. IX,
X, XI
(ss. 161-626),
re-enacted;
(ss. 627-636),
repealed

PART IX

OPERATION OF MINES

161.—(1) In this Part,

Interpre-
tation.

- (a) "authorized" means properly authorized to perform any specified duty or to do any specified act;
- (b) "chief engineer" means the chief engineer of mines for Ontario;
- (c) "engineer" means an engineer of mines for Ontario and includes a person designated by the Department as a "district", "electrical" or "mechanical" engineer of mines for Ontario;
- (d) "manager" means the person responsible for the control, management and direction of a mine or a part of a mine or works;
- (e) "qualified" means properly qualified to perform any specified duty or to do any specified act;
- (f) "rescue station superintendent" means a person in charge of a mine rescue station.

(2) Subject to the requirements of this Act and except as otherwise provided in this Act, responsibility for the authorization and decisions as to the qualifications of employees rests with the employer or his agent. R.S.O. 1960, c. 241, s. 161.

EMPLOYMENT IN AND ABOUT MINES

Employ-
ment,
of children

162.—(1) No male person under the age of sixteen years shall be employed in or about a mine, and no male person under the age of eighteen years shall be employed underground in a mine or at the working face of an open-cut workings, pit or quarry.

of females

(2) No female person shall be employed at a mine except on surface in a technical, clerical or domestic capacity or such other capacity that requires the exercise of normal feminine skill or dexterity but does not involve strenuous physical effort. R.S.O. 1960, c. 241, s. 162.

MINE RESCUE STATIONS

Establish-
ment

163.—(1) Mine rescue stations shall be established, equipped, operated and maintained at such places and in such manner as the Minister directs.

Mine rescue
officers

(2) The Lieutenant Governor in Council may appoint such mine rescue officers as he deems advisable.

Duty of
mine rescue
officers

(3) The equipment and operation of mine rescue stations shall be in the charge of mine rescue officers, and it is the duty of such officers to teach and train mine rescue crews and supervisors in the use and maintenance of the apparatus in such manner as the chief engineer directs, to maintain the apparatus in efficient and workable condition so as to be available for immediate use, and to perform such other duties as the chief engineer deems necessary.

Training of
rescue crews

(4) The owner, agent or manager of a mine shall cause such workmen and supervisors to be trained in the use and maintenance of mine rescue equipment as the district engineer deems necessary.

Responsi-
bility in
mine rescue
operations

(5) The mine manager is responsible for the supervision and direction of mine rescue crews in all mine rescue and recovery operations conducted at the mine.

Cost

(6) The cost of establishing, maintaining and operating mine rescue stations shall be paid out of the Consolidated Revenue Fund.

Idem

(7) The Workmen's Compensation Board shall at the end of each quarter year reimburse the Consolidated Revenue Fund from moneys assessed and levied by the Board against employers in the mining industry for the total amount certified by the Deputy Minister to have been paid out under subsection 6.

(8) All moneys received from the sale or disposal of any equipment, buildings or machinery forming part of or appertaining to mine rescue stations shall be paid to the Workmen's Compensation Board and shall be placed to the credit of the class funds of the employers in the mining industry. R.S.O. 1960, c. 241, s. 163.

HOURS OF LABOUR UNDERGROUND

164.—(1) In this section,

Interpretation

- (a) "shift" means a body of workmen whose hours for beginning and terminating work in the mine are the same or approximately the same;
- (b) "workman" means a person employed underground in a mine who is not the owner or agent or an official of the mine,

and, where any question or dispute arises as to the meaning or application of clause *b* of subsection 2 or as to the meaning of "shift", "workman", or "underground", the certificate of the engineer is conclusive.

(2) No workman shall remain or be allowed to remain underground in a mine for more than eight hours in any consecutive twenty-four hours, which eight hours shall be reckoned from the time he arrives at his place of work in the mine until the time he leaves such place, except that,

- (a) a shift or any part of a shift may remain or be allowed to remain underground in a mine for more than eight hours in any consecutive twenty-four hours on one day of a week for the purpose of avoiding work on Sunday or on a holiday or changing shift;
- (b) such limit does not apply to a foreman, pumpman, cagetender, or any person engaged solely in surveying or measuring, nor does it apply in cases of emergency where life or property is in imminent danger, nor does it apply in cases of repair work.

(3) No person shall operate or be permitted to operate, either on the surface or underground, a hoist, by means of which persons or material are hoisted, lowered or handled in a shaft or winze, for more than eight hours in any consecutive twenty-four hours, except,

- (a) that, in the event of one of the regular hoistmen being absent from duty through sickness or otherwise and

where no competent substitute is available, the remaining hoistman or hoistmen may work extra time not exceeding four hours each in any consecutive twenty-four hours for a period not exceeding fourteen days;

(b) that, in the case where the work at a mine or in a shaft or winze at a mine is not carried out continuously on three shifts per day, the hoistman may work such extra time as is necessary for hoisting or lowering the workmen employed on the shift at the beginning and end of each shift;

(c) in the cases provided for in clauses *a* and *b* of subsection 2.

Application
of section

(4) This section applies to all parts of Ontario without county organization, and applies to the other parts of Ontario on a day to be named by the Lieutenant Governor by his proclamation. R.S.O. 1960, c. 241, s. 164.

QUALIFICATIONS OF HOISTMEN

Age limit
of hoistmen

165.—(1) No person under the age of twenty-one years and no person who has not had adequate experience on a reversing hoist shall be allowed to have charge of a hoist at a shaft or winze in which men are handled at a mine.

Idem

(2) No person under the age of eighteen years shall be allowed to have charge of a hoist at a mine.

Hoistman
to be
holder of
medical
certificate

(3) No person shall operate or be permitted to operate a hoist at a shaft or winze in which men are handled at a mine, or for any other purpose designated by an engineer, unless the person has been examined by a legally qualified medical practitioner acceptable to the employer and the medical practitioner has issued to the person on the form prescribed a hoistman's medical certificate to the effect that to the best of the practitioner's knowledge the person is not subject to any infirmity, mental or physical (particularly with regard to sight, hearing and heart), to such a degree as to interfere with the efficient discharge of his duties.

Expiry of
certificate

(4) Such certificate lapses and shall be deemed to have expired at the end of one year from its date.

Filing of
certificate

(5) Such certificate shall be kept on file by the employer and made available to an engineer at his request.

(6) A record of all hoistmen's medical certificates pertaining to hoistmen operating in any one hoistroom shall be kept posted therein, showing the names of the hoistmen and the date of the last certificate issued to each. R.S.O. 1960, c. 241, s. 165. Posting
record of
certificates

(7) This section does not apply to the operation of hoists when on automatic control. *New.* Automatic
hoist
exempted

166. Where a contravention of section 162, 164 or 165 takes place, the owner or agent of the mine, or both of them, may be proceeded against, jointly or separately, and may be convicted of such offence, but neither the owner nor the agent shall be so convicted if he proves that the offence was committed without his knowledge or consent, and that he had caused notices of the said sections to be posted up, and to be kept posted up, at some conspicuous place at or near the entrance to the mining work. R.S.O. 1960, c. 241, s. 166. Proceedings
where
persons
employed
contrary
to Act

MEDICAL EXAMINATIONS

167.—(1) In this section,

Interpre-
tation

- (a) "applicant" means a person who is not the holder of a certificate in good standing who is seeking employment in a dust exposure occupation;
- (b) "certificate" means an initial certificate, an extended certificate, an endorsed certificate, a miner's certificate or a renewed certificate;
- (c) "dust exposure occupation" means,
 - (i) employment underground in a mine,
 - (ii) employment at the surface of a mine, other than at a pit or quarry, in ore or rock crushing operations where the ore or rock is not crushed in water or a chemical solution,
 - (iii) employment at other locations, as designated by the chief engineer, at the surface of a mine or in a pit or quarry;
- (d) "endorsed certificate" means an initial certificate or extended certificate that has been endorsed under clause *b* of subsection 7;
- (e) "extended certificate" means an initial certificate that has been extended under clause *a* of subsection 7;

(f) "initial certificate" means a certificate issued to an applicant under subsection 6;

R.S.O. 1960,
c. 437

(g) "medical officer" means a medical officer appointed under *The Workmen's Compensation Act* to carry out the provisions of this Act with regard to the examination of employees or applicants for employment;

(h) "miner's certificate" means a certificate issued under subsection 8;

(i) "renewed certificate" means a miner's certificate that has been renewed under subsection 9. R.S.O. 1960, c. 241, s. 167 (1), *amended*.

Employment
in dust
exposure
occupation

(2) No person shall be employed in a dust exposure occupation unless he is the holder of a certificate in good standing.

Term of
certificate

(3) Subject to subsection 4, every certificate remains in force for not more than twelve months, except that a medical officer may at any time recall the holder of a certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel the certificate in accordance with his finding upon the examination.

Examination
by travelling
medical
officer

(4) In those parts of Ontario where the examinations under subsections 6 to 9 are conducted by a travelling medical officer, no certificate shall be deemed to have expired because of the failure of the medical officer to conduct an examination prior to the date of expiration of a certificate, and the holder of a certificate that would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired.

Expiration
of
certificate

(5) Where a certificate of a person employed in the mining industry has expired because of the failure of its holder to present himself to a medical officer for examination, a medical officer may extend, endorse or renew the certificate or issue a miner's certificate, as the circumstances of the case require, if he is satisfied that the failure was caused by the inability of the holder to so present himself because of illness or other circumstances beyond his control.

Examination
before
employment

(6) Every applicant shall be examined by a medical officer before commencing employment, and, if the medical officer finds upon examination that the applicant is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation, he shall issue to the applicant an initial certificate.

(7) The holder of an initial certificate shall, prior to its expiration, present himself to a medical officer for re-examination, and, if the medical officer finds upon examination that the holder is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation, he shall,

- (a) in the case of a holder who since the issuance of his initial certificate has completed less than eleven months employment in a dust exposure occupation, extend the certificate for such period as he deems necessary to permit the holder to complete twelve months employment in a dust exposure occupation, and he may from time to time extend the certificate for the same purpose; and
- (b) in the case of a holder of an initial certificate who since the issuance of his initial certificate has completed eleven months or more employment in a dust exposure occupation, endorse the certificate.

(8) The holder of an endorsed certificate who since the endorsation of his initial certificate has completed eleven months or more employment in a dust exposure occupation shall, prior to its expiration, present himself to a medical officer for examination, and, if the medical officer finds upon examination that the holder is free from tuberculosis of the respiratory organs, he shall issue him a miner's certificate.

(9) The holder of a miner's certificate shall, prior to its expiration, present himself to a medical officer for re-examination, and, if the medical officer finds upon examination that the holder is free from tuberculosis of the respiratory organs, he shall renew the certificate, which may be further renewed from year to year upon the passing of a similar examination.

(10) The holder of a certificate who for any reason is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and, upon presentation of the holder's certificate, the medical officer shall conduct the required examination and effect such extension, endorsement, renewal or issuance as is warranted by his findings upon the examination.

(11) Where the holder of an initial or extended certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed, through neglect on his part, to have his certificate extended

or endorsed, such certificate is void and its holder is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Holder of
endorsed or
miner's
certificate

(12) Where the holder of an endorsed certificate or miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed, through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed, his certificate is void and the holder thereof is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Where un-
employment
exceeds
three years

(13) Where the holder of a certificate has been out of employment in the mining industry for a period exceeding three years, he is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Custody of
certificate

(14) The manager or superintendent of the mine at which the holder of a certificate is employed may require the certificate to be delivered to and left in the custody of the manager or superintendent during the period of the holder's employment at the mine, but the certificate shall be returned to the holder upon the termination of his employment at the mine.

Exemption

(15) The chief engineer may exempt from subsections 2 to 14 any mine or any person employed thereat where, in his opinion, the mine does not contain silica in quantity likely to produce silicosis or where for any other reason he is of the opinion that such subsections should not apply.

Idem

(16) Subsections 2 to 14 do not apply to a person usually employed in a dust exposure occupation for less than fifty hours in each calendar month.

Regulations

(17) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the nature of the examination to be made by a medical officer under subsections 6 to 11;
- (b) prescribing the forms of certificates and extensions, endorsements and renewals thereof;
- (c) generally for the better carrying out of this section. R.S.O. 1960, c. 241, s. 167 (2-17).

PROTECTION OF UNUSED WORKINGS

Fencing

168.—(1) Where a mine has been abandoned or the work in it has been discontinued, its owner or lessee or any other person interested in the mineral of the mine shall cause the

top of the shaft and all entrances from the surface, as well as all other pits and openings dangerous by reason of their depth or other conditions, to be and to be kept securely fenced or otherwise protected against inadvertent access to the satisfaction of the engineer, except where in his opinion the mine or workings present no greater hazard than the natural topographic features of the district.

(2) Every such person who, after notice in writing from the engineer, fails to comply with his directions as to such fencing or protection within the time specified in the notice is guilty of an offence against this Act. Failure to erect fence after notice

(3) Where the engineer finds that any such fencing or protection is required in order to avoid danger to health or property, he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs with interest thereon is a lien upon the mine or mining work of which notice in such form as the Minister prescribes may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid. When engineer may erect fence

(4) The amount of such costs with interest thereon is due from the owner or lessee to the Crown and is recoverable at the suit of the engineer in any court of competent jurisdiction. Recovery of costs of work

(5) Notwithstanding subsections 3 and 4, the Minister, either without payment or on such terms and conditions as he deems proper, may cause a cessation of charge to be registered in the proper registry or land titles office, and thereupon the lien registered under subsection 3 is void and of no effect. Discharge of fencing liens
R.S.O. 1960, c. 241, s. 168.

PROCEDURE, FATAL ACCIDENTS

169.—(1) Where a fatal accident occurs in or in connection with a mine, an inquest shall be held. Coroner to hold inquest

(2) The manager or other person in charge of a mine wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner having jurisdiction in the place where the accident occurred. Duty of manager

(3) A coroner who is in any way in the employment of the owner or lessee of a mine wherein or in connection wherewith a fatal accident occurs is ineligible to act as coroner in connection with such accident. Eligibility of coroner

Supervising
Coroner
may direct

(4) Where a fatal accident occurs in or in connection with a mine at a place that is more readily accessible to a coroner not having jurisdiction in such place than to any eligible coroner having jurisdiction thereat, the Supervising Coroner for Ontario may direct such coroner to issue his warrant and conduct an inquest, and the direction is such coroner's authority therefor.

Right of
engineer
re inquest

(5) The engineer and any person authorized to act on his behalf are entitled to be present and to examine or cross-examine any witness at an inquest held concerning a death caused by an accident at a mine, and, if the engineer or someone on his behalf is not present, the coroner shall, before proceeding with the evidence, adjourn the inquest and give the Deputy Minister not less than four days notice of the time and place at which the evidence is to be taken.

Notice of
fatal
accidents

(6) Where in or about a mine, metallurgical works, quarry, or sand, clay or gravel pit, an accident occurs that causes loss of life to a person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the engineer resident in that part of Ontario in which the accident occurred and the chief engineer by telephone or telegraph.

Scene to be
undisturbed

(7) Subject to subsection 8, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until the engineer has completed an investigation of the circumstances surrounding the accident.

Permission
to alter
scene

(8) Where it is impossible for the engineer to make an immediate investigation of an accident, the chief engineer or engineer may permit the wreckage, article and things at the scene of or connected with the accident to be moved to such extent as is necessary to permit the work of the mine, metallurgical works, quarry, or sand, clay or gravel pit, to be proceeded with, if photographs or drawings showing details of the scene of the accident have been made prior to the moving. R.S.O. 1960, c. 241, s. 169.

RESPONSIBILITY AS TO PROVISIONS

Suspension
of provision

170.—(1) Where the owner, agent or manager of a mine, by an application in writing stating the reasons therefor, requests the engineer to suspend the requirements of sections 173 to 594 as to such mine, the chief engineer may in writing direct that the requirements of any such provision do not apply to such mine, or may in writing direct that any

such provision does not apply so long as such limitations and conditions as he sees fit to impose are observed or complied with.

(2) The chief engineer may at any time cancel any order made under subsection 1 or make such alterations therein as he deems proper in view of any change in the conditions under which the order was made or upon it appearing to him that such change is advisable for any other reason. Cancellation of suspension

(3) The manager of a mine may make rules not inconsistent with any provision of this Part or any special direction made by an engineer as herein provided for the maintenance of order and discipline and the prevention of accidents in the mine, and may submit any rule so made to the chief engineer who shall lay the rules before the Minister for his approval, and, upon such approval being given, the rules take effect after they have been posted up in a conspicuous place at the mine for at least fourteen days, but the Minister may disallow any of such rules or direct such changes to be made in them as he deems proper. Manager may make rules

(4) Every such rule, after approval and when and so long as it is posted up and is legible, has the same force and effect as the provisions of this Act, and any person who contravenes any such rule is liable to the penalty provided for a breach of the provisions of this Act. Offence

(5) The owner of a working mine or works shall appoint a manager who is responsible for the control, management and direction of the mine or works. Responsibility as to carrying out rules

(6) Except as to any provisions that the chief engineer has directed are not applicable thereto, Idem

- (a) the manager of the mine shall take all necessary and reasonable measures to enforce the provisions of this Part and to ensure that they are observed by every employee of the mine, and every foreman, shift boss, mine captain and department head shall take all necessary and reasonable measures to enforce the requirements of all such provisions as are applicable to the work over which he has supervision and to ensure that they are observed by the workmen under his charge and direction;
- (b) every workman shall take all necessary and reasonable measures to carry out his duties in accordance with such provisions as are applicable to the work in which he is engaged; and

- (c) every person through whose neglect or wrongful act a contravention occurs shall be deemed to have incurred the penalties provided for a breach of the provisions of this Part.

Idem

(7) The manager of a working property shall appoint one or more suitable persons who are responsible, during the manager's absence, for taking all necessary and reasonable measures to enforce the requirements of subsection 6.

Owner to give facilities to manager to comply

(8) The owner or agent shall provide the manager of a mine or works with the necessary means and shall afford him every facility for complying with this Part.

Liability of contractors and sub-contractors

(9) Where work in or about a mine is let to a contractor or sub-contractor, he shall comply and enforce compliance with all the provisions of this Part pertaining to the work over which he has control and is, in any case of non-compliance therewith, guilty of an offence and punishable in like manner as if he were the owner or agent. R.S.O. 1960, c. 241, s. 170.

REQUIREMENTS

Requirements

171. Subject to section 170, sections 173 to 594 shall be observed and carried out at every mine. R.S.O. 1960, c. 241, s. 171.

Interpretation

172. In sections 173 to 594,

- (a) "blasting agent" means a type of explosive of low sensitivity that cannot, as mixed and packaged for use, be detonated by a single No. 8 detonator, and, unless specified, the requirements for explosives do not apply to a blasting agent;
- (b) "charge" means explosives or a blasting agent that may be exploded by a single detonator or a detonator and primer;
- (c) "drum hoist" means the type of hoist that spools the rope on the hoist drum;
- (d) "explosives" includes detonators and those powders that are cap sensitive with a single detonator as packaged for use, and includes black blasting powder;
- (e) "fire-resisting", when applied to buildings, structures or parts thereof, means constructed of steel, masonry, reinforced concrete or other equivalent material or any combination of such materials;

- (f) "friction hoist" means the type of hoist where the rope is driven by the friction between it and the drum tread and where the rope is not spooled on the hoist drum but passes over or around it;
- (g) "shot" means the sound of a charge or charges being exploded,

and the decision of an engineer as to whether or not a situation complies with a requirement therein in which "suitable", "adequate", "approved", or any expression of like import, is used and as to the meaning and application of any such expression is final and conclusive, and a certificate of any such decision signed by the engineer may be used as evidence in any court. R.S.O. 1960, c. 241, s. 172, *amended*.

173.—(1) It is the duty of every manager, superintendent, mine foreman, shift boss, hoistman, deckman, cagetender or skiptender, and every person in charge of workmen, or who handles explosives, or who operates, installs or has to do with maintenance of any machinery or electrical apparatus in or about a mine, to know the requirements of this Part that apply to the work in which he is engaged. ^{Duty as to knowledge of requirements}

(2) Every person employed as a foreman, meaning thereby one who is exclusively engaged in supervising the work of other men, shall be able to give and to receive and understand orders in the English language. ^{Foreman, knowledge of English language}

(3) Every person in charge as a deckman, cagetender, skiptender or hoistman shall have a knowledge of the English language adequate for enabling him to carry out his duties in a thoroughly safe manner. R.S.O. 1960, c. 241, s. 173. ^{Other workmen, knowledge of English language}

Fire Protection

174.—(1) General procedure to be followed both on surface and underground in case of fire underground or in a mine plant building that may endanger the mine entrance shall be drawn up, and all persons concerned shall be informed and kept informed of their duties. ^{Procedure}

(2) Copies of the procedure or suitable excerpts shall be kept posted in the shafthouse and other prominent places. ^{Posting}

(3) Procedures for fighting fire in surface plant buildings at a mine shall be drawn up and suitable signs pertaining to and excerpts from the procedures shall be kept posted in prominent places. ^{Idem}

Tests

(4) Tests of the effectiveness of such procedure shall be made at least once a year and a report of the effectiveness of the test shall be made available to the engineer. R.S.O. 1960, c. 241, s. 174.

Stench
warning

175.—(1) Every mine worked from shafts or adits producing over 100 tons of ore per day and such other mines as are designated by the engineer shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the chief engineer, and such apparatus shall be available at all times in a suitable location and kept ready for instant use for the purpose of warning workmen underground of any emergency necessitating a speedy evacuation of the workings.

Idem

(2) A test of the effectiveness of the procedure set out in subsection 1 of section 174 shall be made at least once a year. R.S.O. 1960, c. 241, s. 175.

Flammable
refuse

176.—(1) No flammable refuse shall be allowed to accumulate underground but shall be removed from the workings at least once a week and brought to the surface and there disposed of in a suitable manner.

Idem

(2) Flammable refuse shall not be allowed to accumulate in or about a headframe, shafthouse, portalhouse or any other plant building.

Idem

(3) Suitable metal containers for the temporary disposal of flammable refuse, such as scrap paper, oily waste, rags and other similar materials, shall be provided at all shaft stations, underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery or equipment or stores, and such containers shall be regularly emptied and the material accumulated brought to the surface and disposed of in a suitable manner.

Unused
timber

(4) All timber not in use in a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Certificate
as to
flammable
refuse

(5) Every shift boss or mine captain shall certify in writing to the mine manager at least once a week that there is no accumulation of flammable refuse underground in the area under his supervision except as reported by him.

Storage of
oil and
grease

(6) Oil, grease or other flammable material shall not be stored in a shafthouse or portalhouse, but it is permissible, if adequate precautions are taken, to have in the shafthouse or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operation.

(7) Volatile, flammable liquids shall not be stored in a shafthouse or portalhouse and such material shall be transported underground only in approved types of metal containers. ^{Volatile, flammable liquids}

(8) Oil, grease or volatile flammable liquid while underground shall be contained in suitable receptacles, and the amount of oil or grease so kept underground shall not exceed the requirements for seven days and the amount of volatile flammable liquid kept underground shall not exceed the requirements for the current day's work. R.S.O. 1960, c. 241, s. 176. ^{Oil and grease underground}

177. No person shall build, set or maintain a fire underground for any purpose unless he has proper authority and suitable instructions for so doing, and only after the necessary fire-fighting equipment has been provided. R.S.O. 1960, c. 241, s. 177. ^{Building fires prohibited}

178. Where open-flame lights are used at a mine not equipped with a headframe and shafthouse or portalhouse constructed of fire-resisting materials, the interior of the shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fire-resisting material to a height of eight feet. R.S.O. 1960, c. 241, s. 178. ^{Open-flame lights, precautions}

179. All underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery and equipment and stores and the furnishings of such shall be so located, constructed and maintained as to reduce the fire hazard to a minimum. R.S.O. 1960, c. 241, s. 179. ^{Underground structures}

180.—(1) If the engineer is of the opinion that a fire hazard may be created at a mine by smoking, or by the use of open-flame lamps, matches, or other means of producing heat or fire, he may designate the mine or part or parts of the mine as a fire hazard area. ^{Fire hazard areas}

(2) No person shall smoke or be allowed to smoke, use open-flame lamps, matches or other means of producing heat or fire in such areas except with the permission in writing of the engineer and under such conditions as he deems proper. ^{Idem}

(3) Such fire hazard areas shall be properly identified by suitable warning signs. ^{Idem}

(4) The owner or manager shall cause such signs to be installed and maintained as long as the area is so designated. R.S.O. 1960, c. 241, s. 180. ^{Idem}

When
flammable
gas en-
countered
in mine

181. When a flammable gas in dangerous concentrations has been found to exist in a mine working, such working or the parts of such working concerned shall immediately be considered a fire hazard area, and every precaution shall be taken while clearing the area or doing any work therein to prevent ignition of the gas and these precautions shall be continued as long as the hazard exists. R.S.O. 1960, c. 241, s. 181.

Fire-fighting
equipment

182.—(1) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shaft-house, portalhouse and every other plant building and at every shaft or winze station underground.

Idem

(2) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, pump stations, tipples and underground electrical installations except where, in the opinion of the engineer, no fire hazard exists.

Idem

(3) A properly authorized person or persons shall make a monthly inspection of all fire-fighting equipment and shall make a report in writing to the manager stating that such examination has been made and certifying as to the conditions found. R.S.O. 1960, c. 241, s. 182.

Storage of
carbide

183.—(1) Calcium carbide shall be stored on the surface only in a suitable, dry place, other than the shafthouse or portalhouse or changehouse, and in its original unopened container.

Distribution
of carbide

(2) For the purpose of distributing calcium carbide, adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater, shall be made at every mine.

Idem

(3) Such distribution shall not take place in a shafthouse, portalhouse or changehouse unless such structure is fire-resisting but shall be provided for by the installation of a suitable distribution centre not closer than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

Handling
of
carbide

(4) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no calcium carbide shall be taken underground except in suitable containers. R.S.O. 1960, c. 241, s. 183.

Fire pro-
tection
where
torches
used

184. Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in a headframe, shafthouse, portalhouse or other building in which a fire may endanger the mine entrance or the underground

workings of a mine, suitable measures for protection against fire shall be adopted and rigidly adhered to. R.S.O. 1960, c. 241, s. 184.

185.—(1) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators and manifolds, shall be disconnected from the cylinders and the valves shall be protected in a suitable manner. Underground transportation of compressed gases

(2) Any such removable protective device shall be replaced Idem at any time a cylinder is left unattended or before a cylinder is moved to a new location.

(3) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the workman operating the nozzle equipment, a second competent person shall be employed at all times to attend to the operation of the cylinder-control devices. Operation of welding and cutting torches

(4) In all cases where cylinders of compressed gas are used underground for the purpose of supplying cutting or welding equipment, special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment. R.S.O. 1960, c. 241, s. 185. Compressed gas

186. No device for the generation of gas, such as acetylene for supplying cutting or welding equipment, shall be used in the underground workings of a mine. R.S.O. 1960, c. 241, s. 186. Generation of gas underground forbidden

187.—(1) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced, there shall be provided and maintained, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore extracted, a separate escapement exit. Escapement exit

(2) Such exit shall not be less than fifty feet from the main entrance to the mine and any structure covering such exit shall be of such material and so constructed to reduce the fire hazard to a minimum. Location of exit

(3) If such an escapement exit is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced and shall be diligently prosecuted until it is completed, and means of escapement, other When necessary

than the main outlet of the mine, shall be provided to and connected with the lowest level on which stoping operations are being carried on.

Size of
exit

(4) The escapement exit shall be of sufficient size to afford an easy passageway and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.

Monthly
exit
inspection

(5) The manager shall depute some competent person or persons to make an inspection of such escapement exit at least once a month.

Record of
inspection

(6) A record of such inspection and the conditions found shall be made in writing by the person making it.

Legible
signs show-
ing exits

(7) Legible signs showing the way to escapement exits shall be posted in prominent places underground and all workmen shall be instructed as to the location of the escapement exits. R.S.O. 1960, c. 241, s. 187.

Buildings in
proximity
to mine
entrance

188. Unless there is first provided a second means of exit from the mine workings, no building of other than fire-resisting construction shall be erected within fifty feet of any closed-in part of a headframe or portalhouse, except that the building housing the hoist and power plant equipment may be erected within this distance so long as such distance is not less than thirty-five feet. R.S.O. 1960, c. 241, s. 188.

Auxiliary
exits for
plant
buildings

189.—(1) All plant buildings where men are regularly employed, except those buildings used for explosives, shall have suitable and adequate auxiliary exits in addition to the main entrance.

Availability

(2) Such auxiliary exits shall be maintained for use in case of fire. R.S.O. 1960, c. 241, s. 189.

Location
of boilers
and diesel
engines

190. No steam boiler or diesel engine shall be installed in such a manner that any part thereof is within seventy-five feet of the centre line of the collar of a shaft or other entrance to a mine. R.S.O. 1960, c. 241, s. 190.

Location
of internal
combustion
engines

191. No gasoline or other internal combustion engine using highly volatile liquids or flammable gases shall be installed within fifty feet of the building housing the hoist nor within 100 feet of the centre line of the collar of a shaft or other entrance to a mine. R.S.O. 1960, c. 241, s. 191.

Exhaust of
internal
combustion
engines

192.—(1) Where an internal combustion engine is installed at a mine, provision shall be made for safely conducting the exhaust of such engine to a point well outside the building.

(2) The exhaust shall be so arranged as to avert the possibility of fumes re-entering the building or entering the intake of an air compressor or contaminating the atmosphere of any adjacent buildings or the mine workings. R.S.O. 1960, c. 241, s. 192.

193.—(1) Except for the actual fuel tanks of operating equipment, no storage of gasoline or liquid fuel shall be permitted within 100 feet of the collar of a shaft or other entrance of a mine. ^{Storage of liquid fuels}

(2) The natural drainage from such a location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance. R.S.O. 1960, c. 241, s. 193. ^{Idem}

194.—(1) The fuel tanks of an internal combustion engine installed in a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point outside the building and the fuel is conducted to the tank in a tightly-jointed pipe or conduit. ^{Transfer of liquid fuel}

(2) Similar provisions for the escape of displaced air from the fuel tank shall be made whereby the displaced air will be conducted to a safe point outside the building before being discharged into the atmosphere. ^{Idem}

(3) The transfer of liquid fuels from one container to another by the direct application of air under pressure shall not be permitted, except where properly designed and tested equipment is used for this purpose. R.S.O. 1960, c. 241, s. 194. ^{Idem}

195.—(1) Where practicable, there shall be a sufficient number of fire doors installed underground to cut off the shaft and the mine openings directly associated with it from the other workings of the mine. ^{Fire doors}

(2) Fire doors shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times. R.S.O. 1960, c. 241, s. 195, *amended*. ^{Properly maintained}

196. Where the chief engineer deems it necessary or advisable for the protection of workmen employed underground; he may order refuge stations to be provided and maintained at such places in the mine as he directs, and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station. R.S.O. 1960, c. 241, s. 196. ^{Refuge stations}

Connection
between
mines

197.—(1) Where the chief engineer deems it necessary or advisable for the protection of workmen employed underground, he may recommend in writing to the Minister that a connection between mines be established at such places as he deems advisable and he may further recommend that such connection be so made and equipped as to constitute a refuge station or refuge stations.

Idem

(2) Upon the approval by the Minister of any such recommendation, a copy thereof, accompanied by a copy of this section, shall be served personally upon or sent by registered mail to the owner or the agent and the manager of each of the mines affected.

Committee

(3) Upon the approval of such a recommendation of the chief engineer, the Minister may in writing signed by him direct each of the mining companies concerned to appoint a representative to act in its behalf on a committee under the chairmanship of a third party, who shall be a mining engineer recommended by the chief engineer and appointed to the chairmanship of the committee by the Minister, and the committee shall determine,

- (a) the design, specifications and location of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;
- (b) the work to be done by each of the mines affected and the proportion in which the cost of the work and of establishing and maintaining the connection shall be borne by the owners of the mines affected;
- (c) the time at which the work in compliance herewith shall be commenced and completed;
- (d) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected; and
- (e) such other provisions or requirements as in the premises they deem necessary or advisable.

Idem

(4) The committee shall submit a report in writing to the Minister, and a report of the majority of the committee shall be deemed to be the finding of the committee.

Idem

(5) Upon the approval by the Minister of the report of the committee, the chief engineer may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any are recommended) in accordance with the terms of the report.

(6) A copy of the report shall be attached to the order and ^{Idem} forms a part thereof.

(7) No such order is subject to appeal upon any ground ^{Idem} whatsoever and is enforceable in the same manner as any order of the chief engineer. R.S.O. 1960, c. 241, s. 197.

Aid to Injured

198.—(1) At every mine, there shall be maintained a ^{Stretchers} sufficient number of properly-constructed stretchers for the proper handling and transporting of persons who are injured in the discharge of their duties about the mine.

(2) There shall be provided and maintained at every mine ^{First aid supplies} for the treatment of any person injured such first aid supplies as are required by the regulations under *The Workmen's Compensation Act*. R.S.O. 1960, c. 241, s. 198. ^{R.S.O. 1960, c. 437}

Handling Water

199. Every working mine shall be provided with suitable ^{Removal of water from mine workings} and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of workmen in the mine or in any adjoining mine. R.S.O. 1960, c. 241, s. 199.

200. Where there is or may be an accumulation of water, ^{Precautions against flow of water} any working approaching the same shall have bore holes kept in advance, and such additional precautionary measures shall be taken as are deemed necessary to obviate the danger of a sudden breaking-through of the water. R.S.O. 1960, c. 241, s. 200.

201. A bulkhead or other suitable stop shall be placed in ^{Bulkhead in sump} every working shaft to prevent that part of the hoisting conveyance carrying men from being inadvertently lowered into water in the sump of the shaft. R.S.O. 1960, c. 241, s. 201.

202.—(1) For the purposes of this section,

^{Interpretation}

- (a) "bulkhead" means any structure built for the purpose of impounding water or confining air under pressure in a drift, crosscut or any other mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening;
- (b) "dam" means a structure built for the purpose of impounding water in a drift, crosscut or other mine opening and built in such a manner as to permit an unobstructed overflow of the water.

Location of bulkhead and dam (2) The location of every underground bulkhead and dam within the meaning of this section shall be clearly shown on the mine plans.

Permission necessary, for dam (3) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground without the written permission of the chief engineer and then only when constructed in accordance with plans and specifications that have been approved by him.

for bulkhead (4) No bulkhead shall be constructed underground without the written permission of the chief engineer and then only when constructed in accordance with plans and specifications that have been approved by him.

Completion of bulkhead (5) On the completion of the installation of a bulkhead, the manager shall immediately notify the chief engineer that it has been completed. R.S.O. 1960, c. 241, s. 202.

Ventilation

Ventilation 203.—(1) The ventilation in every mine shall be such that the air in all of its workings, which are in use or are to be used by workmen or others, shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in the mine.

Mechanical ventilation (2) In mine workings where such conditions cannot be obtained by natural ventilation, approved means for mechanical ventilation shall be provided and kept in operation until the workings have been abandoned or until satisfactory natural ventilation has been brought about therein.

Idem (3) All structures containing fans used in connection with the underground ventilation of a mine shall be of such construction as to reduce the fire hazard to a minimum. R.S.O. 1960, c. 241, s. 203.

Unused workings to be tested for gas 204. Underground workings that have been in disuse for some time and that are not in the main ventilation circuit shall be examined before being again used in order to ascertain whether dangerous gases have accumulated there or whether an oxygen deficiency exists, and only such workmen as are necessary to make the examination shall be allowed to proceed to such places until the places are safe to work or travel in. R.S.O. 1960, c. 241, s. 204.

Internal combustion engine underground 205.—(1) No internal combustion engine shall be installed or operated in a shaft or adit, or in any working in connection with a shaft or adit, unless permission in writing from the chief engineer is first obtained.

(2) No internal combustion engine shall be installed or *Idem* operated in any clay, sand or gravel pit or in any quarry or other open pit working designated by an engineer as unsafe for this purpose. R.S.O. 1960, c. 241, s. 205.

Sanitation

206. The manager of a mine shall provide or cause to be provided on the surface and in the underground workings sufficient and suitable sanitary conveniences in accordance with the following requirements:

1. Where men are employed underground, one sanitary convenience shall be provided for every twenty-five persons or portion thereof on any shift.
2. Where men are employed on surface, one sanitary convenience and one urinal shall be provided for every twenty-five persons or portion thereof on any shift.
3. Where women are employed, separate toilets with entirely separate entrances from those furnished the men shall be provided.
4. One toilet shall be provided for every fifteen women or portion thereof on any shift.
5. Such rooms shall be clearly marked as to the sex for which they are provided. R.S.O. 1960, c. 241, s. 206.

207.—(1) Sanitary conveniences underground shall be, *Idem*

- (a) conveniently placed, having regard to the number of men employed on the different levels;
- (b) placed in a well-ventilated part of the mine;
- (c) kept clean and sanitary; and
- (d) suitably disposed of regularly.

(2) Sanitary conveniences, urinals and toilets on surface shall be kept clean and sanitary. R.S.O. 1960, c. 241, s. 207. *Idem*

208. Any person depositing faeces in any place underground, other than in the sanitary conveniences provided, is guilty of an offence against this Act. R.S.O. 1960, c. 241, s. 208. *Idem*

209. A supply of wholesome drinking water shall be provided both on surface and underground at points reasonably accessible to the working places. R.S.O. 1960, c. 241, s. 209. *Drinking water*

Dressing
room

210.—(1) If men are employed underground or in hot or dusty occupations on surface at a mine or works, suitable and sufficient accommodation, including supplies of clean, cold and warm water for washing, shall be provided above-ground near the principal entrance of the mine or works for enabling the persons employed to conveniently dry and change their clothes.

Location
of
dressing
room

(2) Such accommodation, unless of fire-resisting construction, shall not be nearer than fifty feet to a shafthouse or portalhouse and it shall not be located in a hoistroom or boilerhouse except where a separate, properly-constructed room is provided. R.S.O. 1960, c. 241, s. 210.

Care and Use of Explosives and Blasting Agents

Precaution
to be
taken

211. Every possible precaution shall be taken in the handling and transportation of explosives and blasting agents. R.S.O. 1960, c. 241, s. 211, *amended*.

Marking of
explosives

212. No explosive shall be used at a mine unless there are plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, the strength of the explosive and the date of its manufacture. R.S.O. 1960, c. 241, s. 212.

Fume classi-
fication of
explosives

213.—(1) Only explosives in Fume Class I as established by the Explosives Division of the Department of Mines and Technical Surveys of Canada or explosives and blasting agents as permitted by the chief engineer shall be used underground.

Preparation
of blasting
agent

(2) The preparation of a blasting agent on a mining property, except when prepared by a properly-authorized manufacturer of explosives or blasting agents, shall be done only with the permission of the chief engineer in writing. R.S.O. 1960, c. 241, s. 213, *amended*.

Defective
explosives
to be
reported

214. Every case of supposedly defective fuse, detonator or blasting cap, or explosive, shall be reported to an engineer with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of such fuse, detonator or blasting cap, or explosive, along with all other pertinent information available. R.S.O. 1960, c. 241, s. 214.

Storage of
explosives
and
blasting
agents

215.—(1) Except as otherwise provided, all explosives and blasting agents and all detonators or blasting caps shall be stored on surface in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses. R.S.O. 1960, c. 241, s. 215 (1), *amended*.

(2) Every such building shall be under the direction of the manager or a person authorized by him. Storage under authorized person

(3) No such building shall be erected or maintained at a mine except with the written permission of an engineer, nor until the site of the building and the style of structure have been approved by him. R.S.O. 1960, c. 241, s. 215 (2, 3). Permission, necessary before construction

(4) Such written permission shall state the maximum quantity and kind of explosive or blasting agent that may be stored in the building. R.S.O. 1960, c. 241, s. 215 (4), *amended*. to state quantity

(5) The permission shall be posted in the building. posting

(6) Where possible, every such building shall be located in accordance with the British Table of Distances in respect of its distance from the mine or works or any other buildings or any public highway or public railway. British Table of Distances

(7) Where conditions are such that it is impossible to locate such buildings in accordance with the British Table of Distances, the mine manager and an engineer shall jointly choose the most suitable location. R.S.O. 1960, c. 241, s. 215 (5-7). Idem

(8) Storages for blasting agents may contain three times the quantity of blasting agent as compared to explosives as set by the British Table of Distances. Storages for blasting agents

(9) Where explosives and blasting agents are stored together, the lesser limit of storage shall apply. *New*. Idem

(10) Every such building shall be constructed of such materials as to ensure as far as possible against accident from any cause. R.S.O. 1960, c. 241, s. 215 (8). Materials used in building

(11) The requirements in reference to the care and use of explosives and blasting agents shall be kept posted up inside every such building. Requirements to be posted

(12) Every such building shall be kept securely locked at all times that the attendant is not present and it shall be clearly indicated by one or more easily-visible signs that explosives or blasting agents are stored therein. R.S.O. 1960, c. 241, s. 215 (9, 10), *amended*. Buildings locked, and signs

(13) Such sign or signs shall be posted beside the road approaches to the building at least eight feet above the ground and twenty-five feet distant from the entrance. R.S.O. 1960, c. 241, s. 215 (11). Posting of signs

Storages
to be
clean, etc.

216. All explosive, blasting agent, detonator or fuse storages at or in a mine shall be kept clean, dry and free from grit at all times. R.S.O. 1960, c. 241, s. 216, *amended*.

Floors
and
shelves

217. Floors and shelves of magazines and thaw houses shall be treated with a suitable neutralizing agent, whenever necessary, to remove any traces of explosive substances. R.S.O. 1960, c. 241, s. 217.

What
explosives
to be
used first

218.—(1) When supplies of explosives or blasting agents are removed from a magazine, those that have been longest in the magazine shall be used first, provided they are not defective.

Defective
explosives
and blasting
agents

(2) In all cases where explosives or blasting agents have become defective, they shall be suitably and safely disposed of. R.S.O. 1960, c. 241, s. 218, *amended*.

Disposal
of defective
explosives
and blasting
agents

(3) An engineer may, if he deems it necessary to protect life or property, arrange for the disposal of defective or abandoned explosives or blasting agents, and the amount of costs so incurred shall be due to the Crown from the owner and recoverable in any court of competent jurisdiction. *New*.

Opening
cases

219. Only implements of wood or fibre shall be used in opening cases that contain explosives. R.S.O. 1960, c. 241, s. 219.

Storage of
explosives
and blasting
agents
underground

220.—(1) Explosives or blasting agents, including caps, fuse and igniter cord, shall not be stored underground in excess of the necessary underground supply for forty-eight hours.

Storage
capacity

(2) In no case shall an amount exceeding 300 pounds of explosive or 900 pounds of blasting agent be stored in any one place underground without the written permission of an engineer.

Written
permission
for increased
capacity

(3) With the written permission of an engineer and subject to such conditions as he prescribes, other underground explosive storages may be established, but in no case shall more than 1,000 pounds of explosive or 3,000 pounds of blasting agent be stored in any one storage place.

Idem

(4) Where explosives and blasting agents are stored together, the lesser limit of storage shall apply.

Suitable
storage

(5) Explosives or blasting agents stored underground shall be kept in suitable containers or storage places in suitable locations.

(6) In no case shall explosives or blasting agents be stored in places where there is a possibility of a train or car colliding with the containers of the explosives or blasting agents. ^{Protection from trains, etc.}

(7) Where explosives or blasting agents in excess of what ^{Idem} may be stored in approved underground storages are required for such operations as longhole blasts, etc., only such quantities as can be loaded in a twenty-four hour period shall be kept underground at any time for such blast.

(8) Any explosives or blasting agents not loaded at the ^{Idem} end of a shift shall be stored in accordance with this section or be adequately guarded. R.S.O. 1960, c. 241, s. 220, *amended*.

221. No explosive or blasting agent shall be stored within 200 feet of a shaft station or transformer station underground. ^{Location of storage}
R.S.O. 1960, c. 241, s. 221, *amended*.

222.—(1) Detonators or blasting caps or igniter cord shall not be stored in the same receptacle or storage building as other explosives or blasting agents. ^{Storage of detonators}

(2) Detonators or blasting caps or capped fuses or igniter cord, while stored in underground workings, shall be kept in separate, suitable, closed containers or storage places. ^{Separate containers}

(3) Such containers or storage places shall not be located within twenty-five feet of any other explosives or blasting agents. ^{Idem} R.S.O. 1960, c. 241, s. 222, *amended*.

223.—(1) No flame-type light shall be taken within twenty-five feet of any building or place on surface in which explosives or blasting agents are stored. ^{Open-flame lamps}

(2) No flame-type light shall be taken within ten feet of any place underground where explosives or blasting agents are stored unless a suitable, safe arrangement for the placing of such light is provided. ^{Idem}

(3) No person shall smoke in any place or building where explosives or blasting agents are stored or while handling explosives or blasting agents. ^{Smoking} R.S.O. 1960, c. 241, s. 223, *amended*.

224.—(1) A properly authorized person or persons shall make a thorough weekly inspection of all explosives or blasting agents, explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine used for the purpose of storing explosives or blasting ^{Inspection of storage places}

agents or detonators or blasting caps and shall make a report in writing to the manager stating that such inspection has been made and certifying as to the conditions found.

Unsuitable
conditions
rectified

(2) The manager shall take immediate steps to correct any unsuitable conditions found and to properly dispose of any deteriorated explosives or blasting agents.

Careless
acts

(3) The manager shall make a prompt investigation when an act of careless placing or handling of explosives or blasting agents is discovered by or reported to him.

Report of
carelessness
to engineer

(4) Any employee who commits a careless act with an explosive or blasting agent or where explosives or blasting agents are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine, is guilty of an offence against this Act, and the officer in charge of the mine shall immediately report such offence to the engineer or to the Crown attorney of the county or district in which the mine is situate. R.S.O. 1960, c. 241, s. 224, *amended*.

Disposal of
explosives at
shut-down
mine

225. When a mine is closed down, all explosives or blasting agents, fuse, detonators and blasting caps shall be disposed of and no explosive or blasting agent shall be stored at any such closed-down mine without the written permission of the chief engineer. R.S.O. 1960, c. 241, s. 225, *amended*.

Written
permission

226. No person shall take away from a mine any explosive or blasting agent, fuse or detonator or blasting cap without the written permission of the manager or of such person as is authorized by the manager to give such permission. R.S.O. 1960, c. 241, s. 226, *amended*.

Thaw
houses

227.—(1) No building for thawing explosives shall be maintained in connection with a mine except with the written permission of an engineer.

Approval
of building

(2) The building shall be above ground, and the site of the building and the style of the structure and equipment shall be subject to the approval of an engineer.

Quantity
stored

(3) The quantity of explosive kept in a thaw house at any time shall not exceed the requirements of the mine for a period of twenty-four hours plus the amount that may be necessary to maintain that supply, but an engineer may give permission in writing to store a quantity not in excess of the permitted capacity of the building if, in his opinion, the heating equipment is such that the temperature can be controlled within approved safe limits.

(4) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof kept, but, where the amount of explosives in such thawing room does not exceed 200 pounds at any one time, an engineer may give permission in writing to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperatures be made and kept on file for at least one year. ^{Thermometer in thaw house}

(5) All such records shall be made available to an engineer. *Idem*
R.S.O. 1960, c. 241, s. 227.

228. In no case shall explosives be thawed near an open fire or steam boiler or by direct contact with steam or hot water. *Prohibition*
R.S.O. 1960, c. 241, s. 228, *amended*.

229.—(1) This section applies only on mining properties and only on surface. ^{Transportation of explosives and blasting agents on surface}

(2) Every motor vehicle used for carrying explosives or blasting agents shall be maintained in sound mechanical condition in all respects. *Idem*

(3) Every such motor vehicle shall be conspicuously marked by suitable signs or red flags easily visible from front and rear. *Idem*

(4) The metal parts of every such vehicle that may come in contact with containers of explosives or blasting agents shall be suitably covered with wood, tarpaulin or other suitable material. *Idem*

(5) No other goods or materials shall be carried in or on any vehicle in which explosives or blasting agents are being carried. *Idem*

(6) Every motor vehicle transporting more than 150 pounds of explosives or blasting agents shall be equipped with a fire extinguisher in working order, of adequate size and capable of dealing with a gasoline or oil fire. *Idem*

(7) No motor vehicle shall be loaded with more than 80 per cent of its carrying capacity when carrying explosives or more than 100 per cent of its carrying capacity when carrying blasting agents. *Idem*

(8) Explosives or blasting agents carried on vehicles shall be so secured or fastened as to prevent any part of the load from becoming dislodged. *Idem*

Idem (9) Detonators shall not be carried in the same vehicle as other explosives or blasting agents except in a suitable container in a separated compartment, and in such case the number shall not exceed 1,000 detonators.

Idem (10) A vehicle carrying explosives or blasting agents shall not be left unattended.

Idem (11) Only those persons necessary for the handling of explosives or blasting agents shall travel on a vehicle that is carrying explosives or blasting agents.

Idem (12) There shall be no smoking by persons on a vehicle that is transporting explosives or blasting agents. R.S.O. 1960, c. 241, s. 229, *amended*.

Transportation of explosives or blasting agents in shaft 230.—(1) When the day's supply of explosives or blasting agents is being transported in a shaft conveyance, the person in charge of such operation shall give or cause to be given notice of the same to the deckman and hoistman.

Authorization to handle (2) No person shall,

(a) place in;

(b) have while in; or

(c) take out of,

the shaft conveyance any explosives or blasting agents except under the immediate supervision of a person authorized for the purpose by the manager, superintendent, foreman or shift boss.

No other material in conveyance (3) No other material shall be transported with explosives or blasting agents in a shaft conveyance. R.S.O. 1960, c. 241, s. 230, *amended*.

Transfer of explosives or blasting agents from storage places 231.—(1) The transfer of explosives or blasting agents from the magazine or other surface storage place shall be so arranged that no undue delay shall occur between the time the explosives or blasting agents leave the surface storage place and the time they are properly stored in designated storage places in the mine or distributed to points of use in the mine.

Transfer without undue delay (2) Explosives or blasting agents shall not be left at a level station or near the shaft collar or other entrance to the mine but shall be transferred from a designated storage place to other designated storage places or points of use without undue delay. R.S.O. 1960, c. 241, s. 231, *amended*.

232.—(1) Primers shall be made up as near to their point of use as is practicable in the interests of safety and only in sufficient numbers for the immediate work in hand. ^{Transportation of detonators}

(2) Detonators or blasting caps, capped fuses, made-up primers, igniter cord or other explosives or blasting agents shall not be transported in a conveyance either on surface or underground unless placed in separate, suitable, closed containers. ^{Suitable containers}

(3) A workman may carry capped fuses with other explosives or blasting agents from the nearest storage places to a point of use without placing them in a container, if they are kept separate from the other explosives or blasting agents. ^{Kept separate from other explosives or blasting agents}

(4) In no case shall made-up primers be transported or carried unless placed in separate, suitable, closed containers. ^{Made-up primers}
R.S.O. 1960, c. 241, s. 232, *amended*.

233.—(1) Where explosives or blasting agents are transported in mine workings by means of mechanical haulage, including trackless equipment, the speed of the vehicle shall not exceed 4 miles an hour and definite arrangements for the right of way of the vehicle carrying explosives or blasting agents shall be made before the vehicle is moved. ^{Transportation underground}

(2) Where mechanical track haulage is used, the locomotive shall be maintained on the forward end of the train carrying explosives or blasting agents unless some person walks in advance of the train to effectively guard it. ^{Idem}

(3) In track haulage, the car or cars carrying explosives or blasting agents shall be separated from the locomotive by an empty car or spacer of equivalent length, but in no case shall explosives or blasting agents be carried on the locomotive. ^{Idem}

(4) Where a trolley locomotive is used for the haulage of explosives or blasting agents in a mine, the car or cars carrying explosives or blasting agents shall be protected from trolley-wire contact and other existing hazards. ^{Trolley-locomotive haulage}

(5) Where trackless equipment is used for the transportation of explosives or blasting agents underground, the requirements of section 229 apply. R.S.O. 1960, c. 241, s. 233, *amended*. ^{Trackless equipment used}

234. Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to an engineer, who shall decide upon the time at which blasting operations thereon may be performed, ^{Blasting on contiguous claims}

and his decision is final and conclusive and shall be observed by them in future blasting operations. R.S.O. 1960, c. 241, s. 234.

Explosives
not to be
removed
from original
container

235. No explosive shall be removed from its original paper container or cartridge. R.S.O. 1960, c. 241, s. 235.

Blasting of
roast heaps

236. No explosive shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge. R.S.O. 1960, c. 241, s. 236.

Size of
drill holes

237. All drill holes shall be of sufficient size to admit of the free insertion to the bottom of the hole of a cartridge of explosive. R.S.O. 1960, c. 241, s. 237, *amended*.

No iron or
steel tool

238. In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives. R.S.O. 1960, c. 241, s. 238.

Procedure
before
drilling

239.—(1) Before drilling is commenced in a working place, the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms.

Bootleg
holes

(2) No drilling shall be done within six inches of any hole that has been charged and blasted or any remnant of such hole.

Hole
containing
explosives

(3) No drilling shall be done within five feet of any hole containing explosives. R.S.O. 1960, c. 241, s. 239.

Precautions
when
loading

(4) Drilling or undercutting and charging operations underground shall not be carried on simultaneously on the same face above or below each other or within twenty-five feet horizontal distance. *New*.

Due warning
required

240.—(1) Every workman shall, before blasting, give or cause to be given due warning in every direction by shouting "Fire" and shall satisfy himself that all persons have left the working place or the vicinity except those required to assist him in blasting and guarding.

In pits
and
quarries

(2) In open pits or quarries where the extent of the operation or the exposure of persons renders the warning required under subsection 1 ineffective, due warning shall be given of a primary blast by siren or its equivalent in an approved manner, in addition to guarding as required by section 241. R.S.O. 1960, c. 241, s. 240.

241.—(1) Every workman shall, before blasting, cause all entrances or approaches to the place or places where the blasting is to be done, or where the safety of persons may be endangered by the blasting, to be effectively guarded so as to prevent inadvertent access to such place or places while the charges are being blasted. ^{Guarding entrances where blasting is done}

(2) Subject to permission having been obtained, when required, from the appropriate authority, where it is necessary to stop traffic on a public road during a blasting operation, an adequate number of flagmen equipped with suitable red flags shall be posted and signs, such as "DANGER", "BLASTING" or "STOP FOR FLAGMAN", shall be posted along the road at suitable locations to warn traffic approaching the flagman guarding the area. ^{Guarding roads}

(3) Posting of signs shall not be deemed to be adequate protection to warn of blasting operations. R.S.O. 1960, c. 241, s. 241. ^{Signs not adequate}

242. Where possible, no connection between mine workings shall be made until a thorough examination of the working towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner, and such point of connection shall be guarded as an entry when blasting within twice the length of the longest drill steel used or a minimum of fifteen feet of breaking through. R.S.O. 1960, c. 241, s. 242. ^{Breaking through to mine workings}

243. Except where fired electrically, no fuse shorter than three feet shall be used in any blasting operation, nor shall any fuse be lighted at a point closer than three feet from the capped end. R.S.O. 1960, c. 241, s. 243. ^{Length of fuse}

244.—(1) Where safety fuse has been used in connection with a blast and where two or more shots are fired, no blaster or other person shall leave or be permitted to leave his place of refuge from the blast and return to the scene of the blast within the number of minutes that are equal to twice the number of feet in the longest fuse used in the blasting operation. ^{Interval before return to scene of blast}

(2) Such time shall be calculated from the time when the last shot is heard. ^{Idem}

(3) Where the firing has been done by means of electric delay-action detonators and any shot has been heard, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of any blast within ten minutes of the time at which the blasting circuit is closed. ^{Firing done electrically}

Misfire or
missed hole

(4) In the case of a supposed misfire or missed hole in a blasting operation, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of the blast within thirty minutes of the time he has reached his place of refuge after the lighting of the fuse or fuses or the closing of the blasting circuit.

Idem

(5) Except when no shot is heard and a faulty circuit is indicated, the circuit may be repaired immediately after the blaster has assured himself that the blasting switch is locked in the open position and the lead wires are short-circuited. R.S.O. 1960, c. 241, s. 244.

Detonator
required

245. No hole shall be charged with explosives or blasting agents unless a properly-prepared detonating agent is placed in the charge and shall be fired in its proper sequence in the firing of the round. R.S.O. 1960, c. 241, s. 245, *amended*.

Firing
required

246.—(1) All holes that are charged with explosives or blasting agents in one loading operation shall be fired in one blasting operation.

Idem

(2) Any hole that has been charged with explosives or blasting agents, or any explosive charge that has been set, shall not be left unfired but shall be fired at the time for blasting required by the approved practice of the mine. R.S.O. 1960, c. 241, s. 246, *amended*.

Safety fuse

247. Where safety fuse is used in a blasting operation,

(a) suitably capped fuses shall be supplied to the workmen in standard, uniform and safe lengths for the operation at hand;

(b) the uncapped ends of all fuses for use in a mine shall be suitably identified. R.S.O. 1960, c. 241, s. 247.

Lighting
fuses

248.—(1) In every case where more than one charge is to be fired, each fuse connected to a charge of explosives or blasting agents shall be lighted with a suitably-timed spitting device. R.S.O. 1960, c. 241, s. 248 (1), *amended*.

Number of
men, lights

(2) Where more than one charge is to be fired, no workman shall be permitted to conduct any blasting operation unless he is accompanied by one or more other workmen.

Idem

(3) Each workman shall carry a light unless the blasting operation is conducted on surface in daylight or under artificial light. R.S.O. 1960, c. 241, s. 248 (2, 3).

249. Before returning to the scene of a blasting operation, every workman shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation. Ventilation of working places after blasting
R.S.O. 1960, c. 241, s. 249.

250.—(1) Where blasting is done in a raise or stope, proper precautions shall be taken to prevent closing of the means of entrance to the working place or interference with the effective circulation of air following the blast by the broken material produced by the blast. Protection of entrance to working place

(2) In the case of a single-compartment raise or box-hole where material from the blast may block the means of entrance, proper precautions shall be taken to ensure the adequate ventilation of the working place before workmen enter it. Idem
R.S.O. 1960, c. 241, s. 250.

251.—(1) When a workman fires any charges, he shall, where possible, count the number of shots. Reporting of missed holes

(2) If a shot is missing, he shall report it to the mine captain or shift boss. Idem

(3) If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of workmen going into that working place before work is commenced by them. Idem
R.S.O. 1960, c. 241, s. 251 (1-3).

(4) Any charge of explosives that has missed fire shall not be withdrawn but shall be blasted at a proper time and without undue delay. Missed hole to be blasted
R.S.O. 1960, c. 241, s. 251 (4), *amended*.

(5) Any charge of blasting agent that has missed fire may be washed out of the hole. Idem *New*.

(6) No development heading shall be abandoned or work therein discontinued until the material broken at the firing of the last round has been cleared from the face and the whole face of the heading examined for explosives or blasting agents in missed or cut-off holes. Examination of missed or cut-off hole
R.S.O. 1960, c. 241, s. 251 (5), *amended*.

252.—(1) After the first ten feet of advance has been made in a shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting Where electric blasting required

is being done, all blasting in the shaft, winze, station or other workings being driven therefrom shall be done by means of an electric current.

In raises
over 50°

(2) In any raise, inclined at over 50 degrees from the horizontal, after twenty-five feet of advance has been made, or in any raise where free escape is not ensured at all times, all blasting shall be done by means of an electric current. R.S.O. 1960, c. 241, s. 252.

Electric
current to be
disconnected
after
blasting

253. Where blasting is done by electricity, a workman shall not enter or allow other persons to enter the place where the charges have been fired until he has disconnected and short-circuited the firing cables or wires from the blasting machine or portable direct-current battery or has assured himself that the switch of the approved blasting switch is open, the firing cables or wires short-circuited and the blasting box locked. R.S.O. 1960, c. 241, s. 253.

Approved
firing device

254. Unless permission in writing is first obtained from the chief engineer, with approval of the proposed arrangements necessary for special cases,

- (a) where electricity from lighting or power cables is used for firing charges, a fixed device of a design certified by the electrical engineer as meeting the requirements of section 546 shall be used;
- (b) one such device shall be maintained for each individual working place in which firing is done by means of electricity from lighting or power cables. R.S.O. 1960, c. 241, s. 254.

Blasting by
direct-
current or
blasting
machine

255. Where the source of current is a portable direct-current battery or a blasting machine, the firing cables or wires shall not be connected to the source of current until immediately before they are required for firing the charges and shall be disconnected immediately after the connection has been made or the machine operated for firing the charges. R.S.O. 1960, c. 241, s. 255.

Lead wires
short-
circuited

256.—(1) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are being connected to each other and to the firing cables.

Idem

(2) The short-circuit shall not be removed until the men have retreated from the face and it shall be so located that a premature explosion would be harmless to the men opening the short-circuit.

(3) The short-circuit shall be replaced immediately after ^{Idem} the cables have been disconnected from the blasting machine or the blasting switch has been opened. R.S.O. 1960, c. 241, s. 256.

257.—(1) The firing cables or wires used for firing charges ^{Firing cables} at one working place shall not be used for firing charges in another working place until all proper precautions have been taken to ensure that such firing cables or wires have no connection with the leads from the first working place.

(2) When firing cables or wires are used in the vicinity of ^{Precautions in using firing cables} power and lighting cables, the blaster shall take proper precautions to prevent the firing cables or wires from coming in contact with the lighting or power cables. R.S.O. 1960, c. 241, s. 257.

*Protection in Working Places, Shafts,
Winzes, Raises, etc.*

258. Neither on surface nor underground shall workmen ^{Protection from overhead operations} be employed in a location where men are working overhead unless such measures for protection are taken as the nature of the work permits. R.S.O. 1960, c. 241, s. 258.

259. A protective hat, manufactured for such service, ^{Protective hat} shall be worn by every person employed,

(a) underground in a mine;

(b) in a location in a pit or quarry designated by an engineer. R.S.O. 1960, c. 241, s. 259.

260. The top of every shaft shall be securely fenced or ^{Fencing of shafts and other openings} protected by a gate or guard rail, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected. R.S.O. 1960, c. 241, s. 260.

261.—(1) At all shaft and winze openings on the surface ^{Gate at shaft} and on every level, unless securely closed off, the hoisting compartments shall be protected by a substantial gate, which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level.

(2) The clearance beneath any such gate shall be kept to a ^{Idem} minimum.

(3) Where haulage tracks lead up to a hoisting compartment on surface or underground, the gate on such compartment shall be reinforced in such a manner that it is sufficiently strong to withstand any impact imparted thereto by collision therewith of any motor, train or car operated on such tracks. ^{Reinforcing of gate} R.S.O. 1960, c. 241, s. 261.

Shaft and
winze
timbering

262.—(1) Every shaft and winze shall be securely cased, lined or timbered, and during sinking operations the casing, lining or timbering shall be maintained within a safe distance of the bottom.

Idem

(2) In no instance shall such distance exceed fifty feet.

Strength of
guides, etc.

(3) The guides, guide attachments and shaft casing, lining or timbering shall be of sufficient strength and shall be suitably designed, installed and maintained so that the safety catches referred to in section 339 may grip the guides properly at any point in the shaft. R.S.O. 1960, c. 241, s. 262.

Protection
at shaft
stations

263. There shall be provided a safe passageway and standing room for workmen outside the shaft at all workings opening into the shaft, and the manway shall in all cases be directly connected with such openings. R.S.O. 1960, c. 241, s. 263.

Protection
in sinking
operations

264. During shaft-sinking operations, no work shall be done in any place in a shaft or winze while men are working in another part of the shaft or winze below such place unless the men working in the lower position are protected from the danger of falling material by a securely-constructed covering extending over a sufficient portion of the shaft to afford complete protection. R.S.O. 1960, c. 241, s. 264.

Open hooks
not to
be used

265. Open hooks shall not be used in conjunction with the suspension of any shaft staging. R.S.O. 1960, c. 241, s. 265.

Lining
compartment
at levels

266.—(1) Except during sinking operations, if material is handled in a shaft or winze compartment, there shall be maintained around that compartment, except on the side on which material is to be loaded or unloaded, a substantial partition at the collar and at all levels.

Idem

(2) Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet and it shall conform to the size of the conveyance allowing for necessary clearances. R.S.O. 1960, c. 241, s. 266.

Counter-
weight
compartment

267. Wherever a counterweight is used in a shaft or winze, it shall be safely enclosed, unless it travels on guides. R.S.O. 1960, c. 241, s. 267.

Protection
on shaft
inspection

268.—(1) No person shall do any work or conduct any examination in a compartment of a shaft or winze or in that part of the headframe used in conjunction therewith while

hoisting operations, other than those necessary for doing such work or conducting such examination, are in progress in such compartment.

(2) No person shall do any work or conduct any examination in a shaft or winze or in that part of a headframe used in conjunction therewith unless he is adequately protected from accidental contact with any moving hoisting conveyance or the danger of falling objects accidentally dislodged. R.S.O. 1960, c. 241, s. 268.

269. Where the enclosing rocks are not safe, every adit, ^{Timbering mine workings} tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure. R.S.O. 1960, c. 241, s. 269.

270. Where a bucket is used in a shaft or winze for other ^{Use of shaft buckets} than sinking purposes,

- (a) a set of doors as required by subsection 3 of section 311 shall be required at the collar and every point of service of the shaft or winze;
- (b) a suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level;
- (c) simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels have been submitted to and have received the approval of an engineer. R.S.O. 1960, c. 241, s. 270.

271.—(1) Except where approved raising equipment is used, ^{Steeply-inclined raises} all raises inclined at over 50 degrees that are to be driven more than sixty feet slope distance shall be divided into at least two compartments, one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. R.S.O. 1960, c. 241, s. 271 (1), *amended*.

(2) The timbering shall be maintained within a safe distance ^{Idem} of the face and in no event shall the distance between the face and the top of the timbering exceed twenty-five feet. R.S.O. 1960, c. 241, s. 271 (2).

272.—(1) Whenever, at any time, chutes are pulled where ^{Precautions as to broken material} persons are working or may enter at the time of pulling, the pulling area shall be marked by signs or the persons working

in the vicinity shall be notified and, as pulling proceeds, proper precautions shall be taken to ascertain that the broken material is settling freely.

Idem (2) When there is any indication of a hang-up, the location shall be adequately protected by suitable signs or barricades. R.S.O. 1960, c. 241, s. 272.

Access to stopes 273. Unless the entrance to a stope is capable of being used as such at all times, a second means of entrance shall be provided and maintained. R.S.O. 1960, c. 241, s. 273.

Guarding mill holes, manways, etc. 274. The top of every mill hole, manway or other opening shall be kept covered or otherwise adequately protected. R.S.O. 1960, c. 241, s. 274.

Guarding open workings 275. Wherever men are working below a level in a place the top of which is open to the level in close proximity to a haulageway or travelway, some person shall effectively guard the opening unless it is securely covered over or otherwise closed off from the haulageway or travelway. R.S.O. 1960, c. 241, s. 275.

Guarding tops of raises 276. The tops of all raises or other openings to a level shall be kept securely covered, fenced off or protected by suitable barricades to prevent inadvertent access thereto. R.S.O. 1960, c. 241, s. 276.

Care of utility hoists 277. Utility hoists and attached equipment used for the raising and lowering of material shall be maintained in a safe working condition. R.S.O. 1960, c. 241, s. 277.

Scaling bars and gads 278. The owner or manager shall provide and maintain an adequate supply of properly-dressed scaling bars and gads and other equipment necessary for scaling. R.S.O. 1960, c. 241, s. 278.

Life lines to be used 279. The owner or manager shall, when necessary, provide life lines for the workmen, and it is the duty of the workmen to wear such life lines at all times, when by so doing the interests of safety will be advanced. R.S.O. 1960, c. 241, s. 279.

Keeping water supply to lay dust 280.—(1) Every place in a mine, where drilling, blasting or other operations produce dust in dangerous quantities, shall be adequately supplied at all times with clean water under pressure or other approved appliance for laying, removing or controlling dust.

Approved water blast (2) A development heading, such as a drift, cross-cut, raise or sub-drift, shall be furnished with an approved water blast

which shall discharge within an effective distance of the face being advanced and shall be applied so as to wet the area for at least fifteen minutes after blasting, and, if such area is not thoroughly wetted prior to the entry of any person, it shall be wetted down as soon as possible.

(3) Every multiple compartment raise, or sub-drift from such raise being driven over twenty-five feet in length from through-ventilation, or stopes with one entry, shall be provided with a separate air pipe independent of the air supply to any machine or drills used therein, and such air supply shall be controlled outside or at the beginning of the heading and the air shall be turned on by the blaster after he has detonated any blast in the heading. R.S.O. 1960, c. 241, s. 280, *amended*. ^{Auxiliary air supply}

281. The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke. R.S.O. 1960, c. 241, s. 281. ^{Time for blasting}

282.—(1) Where there is non-continuous shift operation in mine areas, the on-coming shift shall be warned of any abnormal condition affecting the safety of operations. ^{Written record}

(2) Such warning shall consist of a written record over the signature of a responsible person on the off-going shift and shall be read and countersigned by the corresponding responsible person on the on-coming shift before workmen are permitted to resume operations in the areas indicated in such record. R.S.O. 1960, c. 241, s. 282. ^{Idem}

283. At every mine where persons are employed underground, a suitable system shall be established and maintained to check in persons who have gone underground and check out persons who have returned to surface, and it is the duty of such persons to check in and check out in accordance with such system. R.S.O. 1960, c. 241, s. 283. ^{Check-in, check-out systems}

284. Where repair work is in progress in a manway or conditions arise that may endanger travel through the manway, it shall be closed off or adequate signs designating its unfitness for travel purposes shall be posted at all entrances to it. R.S.O. 1960, c. 241, s. 284. ^{Signs designating repair work}

285.—(1) Diamond-drill holes shall be plotted on all working plans of levels. ^{Diamond-drill holes}

(2) When an active mine heading is advancing toward a diamond-drill hole, the collar or the nearest points of intersection of the hole or both shall be securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of the hole. ^{Guarded while blasting near}

Marked

(3) The collar and any points of intersection of every diamond-drill hole shall be plainly marked at the time that drilling is discontinued or an intersection made.

Idem,
with letter
"H"

(4) Such markings shall consist of a single capital letter "H" in yellow paint measuring twelve inches by twelve inches, which shall be placed within four feet of the collar or intersection. R.S.O. 1960, c. 241, s. 285.

Tailings
used
for fill

286. Where tailings are used for filling worked-out areas underground, the moisture contained in the tailings and the liquid draining off therefrom shall not have a higher cyanide content than .005% expressed as cyanide of potassium. R.S.O. 1960, c. 241, s. 286.

*Examination of Mine Workings
and Shaft Inspection*

Examination
of mine
workings

287. The owner or manager of a mine or some authorized person or persons shall examine daily all parts where drilling and blasting are being carried on, shall examine at least once a week the other parts in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, cross-cuts and raises, in order to ascertain that they are in a safe working condition and shall inspect and scale or cause to be inspected and scaled the roofs and walls of all stopes or other working places as often as the nature of the ground and of the work performed necessitates. R.S.O. 1960, c. 241, s. 287.

Shaft
inspection

288.—(1) The owner or manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it is to make an inspection of the shaft at least once each week, and in addition a thorough examination shall be made at least once each month of the guides, timber, walls and hoisting compartments generally of the shaft, and a record of such inspection and examination shall be made in the Shaft Inspection Record Book by the person making the examination.

Shaft
Inspection
Record
Book

(2) Such owner or manager shall keep or cause to be kept at the mine a book for each shaft termed the Shaft Inspection Record Book in which shall be recorded a report of every such examination, as is referred to in this section, signed by the persons making the examination.

Entries
to be
initialled

(3) Such entries of examinations shall be read and initialled every week by the person in charge of the maintenance of the shaft.

(4) A notation shall be made of any dangerous condition reported and the action taken regarding it over the signature of the person in charge of the maintenance of the shaft. Dangerous conditions noted

(5) The Shaft Inspection Record Book shall be made available to an engineer at all times. R.S.O. 1960, c. 241, s. 288. Available to engineer

Ladderways and Ladders

289.—(1) A suitable footway or ladderway shall be provided in every shaft and winze. Ladderways in shafts and winzes

(2) In shafts and winzes, no ladder, except an auxiliary ladder used in sinking operations, shall be installed in a vertical position. Not in vertical position

(3) During sinking operations, if a ladder is not maintained to the bottom, an auxiliary ladder that will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which men are working. Sinking operations

(4) Wherever, about shafts and winzes and headframes used in conjunction therewith, it is necessary for persons to examine or inspect appliances installed therein, suitable ladderways or stairways and platforms shall be maintained to permit such work to be carried out in a safe manner. R.S.O. 1960, c. 241, s. 289. Headframes

290. The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material, conveyance or counterweight is hoisted by a suitable and tightly-closed partition in the location required by section 266, and similarly in the remaining shaft sections, or by metal of suitable weight and mesh. R.S.O. 1960, c. 241, s. 290. Partition between manway and hoisting compartments

291.—(1) In a shaft or winze inclined at over 70 degrees from the horizontal or in a headframe used in conjunction with the shaft or winze, substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered, except for an opening large enough to permit the passage of a man's body, and the ladders shall be so placed as to cover this opening in the platform. Ladderway in shaft, over 70°

(2) In a shaft or winze inclined at less than 70 degrees from the horizontal or in a headframe used in conjunction with the shaft or winze, the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered, except under 70°

for an opening large enough to permit the passage of a man's body. R.S.O. 1960, c. 241, s. 291.

When stairway permissible 292.—(1) Stairways may be used in a shaft or winze inclined at less than 50 degrees from the horizontal.

Hand-rail (2) All stairways in shafts and winzes shall be equipped with a suitably-placed hand-rail. R.S.O. 1960, c. 241, s. 292.

Ladderways, other mine workings 293.—(1) All ladderways in raises, stopes and other manways shall be installed and maintained in a workmanlike manner to reduce to a minimum the hazard of a man falling therefrom. R.S.O. 1960, c. 241, s. 293 (1).

Landing platforms (2) In manways inclined at 70 degrees and over, landing platforms shall be installed at intervals not exceeding twenty-one feet in the ladderway and the ladders shall be off-set at the platforms.

Idem (3) In manways inclined at under 70 degrees and over 50 degrees, landing platforms shall be installed at intervals not exceeding twenty-one feet in the ladderway and the ladders may be continuous.

Idem (4) In manways inclined at 50 degrees and under, the ladders may be continuous and no platforms are required except at points of off-set. R.S.O. 1960, c. 241, s. 293 (2), *amended*.

Wire rope ladders 294. Wire rope or strands of wire rope shall not be used or be allowed to be used for climbing purposes if they are frayed or have projecting broken wires. R.S.O. 1960, c. 241, s. 294.

Hand-rails for ladders 295. Every ladder shall project at least three feet above its platform, except where strong hand-rails are provided. R.S.O. 1960, c. 241, s. 295.

Ladders 296.—(1) Every ladder shall be of strong construction, shall be securely placed and shall be maintained in good repair.

Distance, between rungs (2) The distance between centres of rungs of ladders shall not be greater than twelve inches nor less than ten inches, and the spacing of rungs shall not vary more than one-half inch in any ladderway.

from wall (3) In order to give a proper foothold, the rungs shall in no case be closer than four inches from the wall of a shaft, winze or raise or any timber underneath the ladder. R.S.O. 1960, c. 241, s. 296.

Haulage

297.—(1) Every locomotive, engine, trolley or motor vehicle used above or below ground shall be equipped with a suitable audible signal that shall be maintained in proper working condition. ^{Warning equipment}

(2) Except when used in adequately lighted buildings or areas, every locomotive, engine, trolley or motor vehicle used above or below ground shall be equipped with a headlight or headlights that shall be maintained in proper working condition, and motor vehicles used for trackless haulage shall be equipped with a suitable tail-light or tail-lights that shall be maintained in proper working condition. ^{Headlight and tail-light}

(3) Every self-propelled unit of trackless haulage equipment used below ground shall be equipped with suitable lights or reflectors that show in the direction of travel the width of the vehicle. ^{Lights to show width of vehicle} R.S.O. 1960, c. 241, s. 297.

298. Control levers of storage battery and trolley locomotives shall be so arranged that the lever cannot accidentally be removed when the power is on. ^{Control levers} R.S.O. 1960, c. 241, s. 298.

299.—(1) The audible signal on a locomotive, engine, trolley or motor vehicle when used underground or in an enclosed building shall be sounded when the vehicle starts to move and at such other times as warning of danger is required. ^{Warning equipment to be used}

(2) In mechanical haulage underground, a suitable tail-light shall be used in conjunction with made-up trains. ^{Tail-lights on trains}

(3) The locomotive operating platform shall be provided with a suitable seat and an adequate guard for the protection of the motorman. ^{Guard to protect motorman} R.S.O. 1960, c. 241, s. 299.

300.—(1) In mechanical haulage in any level, drift or tunnel in or about a mine, no unauthorized person shall ride on any vehicle. ^{Riding on vehicles prohibited}

(2) Special trips for persons only shall be made on approved vehicles. ^{Idem} R.S.O. 1960, c. 241, s. 300.

301.—(1) On every level on which mechanical track haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the level and the cars or locomotive, or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every 100 feet. ^{Clearance and safety stations}

(2) Such safety stations shall be plainly marked. ^{Idem, marking}

Clearance
for
trackless
haulage

(3) On every level on which mechanical trackless haulage equipment is employed, a minimum total clearance of five feet shall be maintained between the sides of the haulageway or workings and the mechanical equipment.

Idem,
plus
pedestrian
travel

(4) On every level regularly used both for pedestrian traffic and trackless haulage where there is a total minimum clearance of less than seven feet, safety stations shall be cut at intervals not exceeding 100 feet and they shall be plainly marked.

Travelways
clear of
obstructions

(5) All regular travelways shall be maintained clear of debris or obstructions that are likely to interfere with safe travel. R.S.O. 1960, c. 241, s. 301.

Unattended
locomotive
or trackless
equipment

302. No haulage locomotive or trackless haulage equipment shall be left unattended unless the controls have been placed in the neutral position and the brakes have been set. R.S.O. 1960, c. 241, s. 302.

Shaft Hoisting Practice

Hoisting by
automatic
control

303.—(1) The hoisting of men or material in mine shafts by automatic control is subject to the approval of the chief engineer.

Idem

(2) Where a hoist is being operated by automatic control and no other means of hoisting men is provided, there shall be available a man qualified to operate the hoist manually when men are underground. R.S.O. 1960, c. 241, s. 303, *amended*.

Raising and
lowering
material

304.—(1) Where steel, timber or other material is being raised or lowered in a shaft conveyance, it shall be loaded in such a manner as to prevent it from shifting its position, and, if necessary, it shall be secured to the conveyance.

Long
material
properly
secured

(2) When such material projects above the sides of the conveyance, it shall be securely fastened to the conveyance or lashed to the hoisting rope in such a manner as not to damage the rope. R.S.O. 1960, c. 241, s. 304.

Compartment to be
lined where
crosshead
not used

305. Where a crosshead is not used in a vertical shaft or winze, the compartment in which the bucket works shall be closely lined with sized lumber. R.S.O. 1960, c. 241, s. 305.

Level of
load in
bucket
or skip

306. In the course of sinking a shaft or winze, the bucket or skip shall be filled only in such a manner that no piece of loose rock projects above the level of the brim. R.S.O. 1960, c. 241, s. 306.

307. In shaft-sinking operations, where the hoisting speed exceeds 1,000 feet per minute, men shall ride in the bucket above the bottom crosshead stop. R.S.O. 1960, c. 241, s. 307. ^{Hoisting men in buckets}

308.—(1) During sinking operations in a shaft or winze, the bucket or skip used for returning men to the working place following a blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination, and in no case shall the point be less than fifty feet above the blasting set or bulkhead. ^{Lowering men after blast}

(2) The bucket or skip shall be lowered from such point only on signal from the men accompanying it and at such speed as to be fully under control, by signal, of such men. ^{Idem}

(3) Only sufficient men shall be carried on such a trip as are required to properly conduct a careful examination of the shaft or winze. R.S.O. 1960, c. 241, s. 308. ^{Idem}

309. In the course of sinking a shaft or winze, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above and shall remain there until a separate signal to lower it has been given by a properly authorized person. R.S.O. 1960, c. 241, s. 309. ^{Bucket or skip not to be lowered directly to face}

310. No bucket shall be allowed to leave the top or bottom of a shaft or winze until the workman in charge of it has steadied it or caused it to be steadied. R.S.O. 1960, c. 241, s. 310. ^{Bucket to be steadied}

311.—(1) In the course of sinking a shaft or winze, adequate provision shall be made and maintained to ensure the impossibility of the bucket or skip being dumped while the dumping doors are open or other means applied to prevent spillage from falling into the shaft or winze. ^{Protection from dumping}

(2) The design of a device for this purpose shall be submitted for the approval of the mechanical engineer before such device is installed. ^{Design to be approved}

(3) A door or doors to cover the sinking compartments shall be maintained at the collar or other point of service of every shaft or winze while sinking is in progress. ^{Door to cover sinking compartment}

(4) Such door or doors shall be kept closed at all times that tools or material are being loaded into or unloaded from the bucket or skip at the collar or other point of service of every shaft or winze, except when the bucket or skip is unloaded by dumping arrangements as provided for in subsections 1 and 2. ^{Door closed when loading bucket}

Door closed
when men
loaded

(5) The door or doors shall be closed when men are loaded or unloaded, except where a safety crosshead fills the compartment at the collar or other point of service. R.S.O. 1960, c. 241, s. 311.

Cage for
handling
men

312. Except during sinking operations, whenever a mine shaft or winze exceeds 300 feet in vertical depth, a suitable cage or skip constructed as required by sections 338 and 339 shall be provided for lowering or raising men in the shaft or winze. R.S.O. 1960, c. 241, s. 312.

Cage doors
to be closed

313.—(1) No person shall travel or be permitted to travel in a cage at any time, except during shaft inspection, unless the doors of the cage are securely closed.

Idem

(2) The cage doors shall not be opened until a full stop has been made at the point or station signalled for, except during trips of inspection, but, in the case of an inadvertent stop at a point in the shaft or winze, other than a station, the cage doors may be opened and the men may leave the cage on instructions to do so by a properly authorized person. R.S.O. 1960, c. 241, s. 313.

Operation
of chairs

314.—(1) Where chairs are used for the purpose of landing a shaft conveyance at a point in a shaft or winze, except when hoisting in balance from that point, the chairs shall not be put into operation unless the proper chairing signal has been given to the hoistman.

Idem

(2) Chairs shall not be used when men are handled. R.S.O. 1960, c. 241, s. 314.

Hoisting
men and
material
simul-
taneously

315.—(1) No person shall travel or be permitted to travel in a bucket, cage or skip operated by a hoist that is being simultaneously used for the hoisting of mineral or material, except as provided for in clause *c* of section 316. R.S.O. 1960, c. 241, s. 315 (1).

Men only
in approved
conveyances

(2) No person shall be hoisted or lowered, or permit himself to be hoisted or lowered, in a shaft or other underground opening except in an approved raise climber, or a scaling platform, or in an approved hoisting conveyance as provided for in section 316, but this prohibition does not apply where men are raised or lowered by hand by suitable means as in construction, maintenance or repair work. R.S.O. 1960, c. 241, s. 315 (2), *amended*.

When
persons not
to be
hoisted

316. No person shall be lowered or hoisted or allow himself to be lowered or hoisted in a shaft, winze or other underground opening,

- (a) in a bucket or skip, except that men employed in shaft sinking may ascend and descend to and from the sinking deck or other place of safety and the men employed in shaft inspection and maintenance may be hoisted and lowered in the shaft by means of such conveyance;
- (b) in a cage or skip that does not meet the requirements of sections 339 and 341, except as provided for in clause *a* of this section or section 340;
- (c) in a cage, skip or bucket that is loaded with powder, steel, timber or other material or equipment, except when the presence of such person is necessary for the purpose of handling such material;
- (d) in a cage, skip or bucket carrying powder, steel, equipment or material, unless the same is adequately secured, but nothing in this clause prohibits men from carrying personal hand tools or equipment approved by the district engineer in a conveyance if such tools or equipment are properly protected with guards and the conveyance is not overcrowded;
- (e) except during shaft-sinking operations or shaft inspection and maintenance operations, in any shaft conveyance, unless the shaft conveyance is in charge of a person properly authorized to act as cagetender or skiptender. R.S.O. 1960, c. 241, s. 316.

317. Except in the course of sinking a shaft, no person shall enter or be allowed to enter a shaft conveyance, or work upon or under a shaft conveyance, when the corresponding drum of the hoist is unclutched, unless the conveyance is first secured in position by chairing or blocking. R.S.O. 1960, c. 241, s. 317.

318.—(1) In this section,

Interpretation

- (a) “authorized maximum load of men” means the total weight of men permitted by the district engineer to ride at any time in the shaft conveyance;
- (b) “maximum allowable weight” means the maximum weight permitted by this Act to be attached to the rope in service or the maximum weight attached to the rope that the hoist is capable of handling, whichever is the lesser.

Weight
specified by
manu-
facturer

(2) The weight that a hoist is capable of handling shall be that set out in the manufacturer's specifications or approved by an independent competent mine hoist design engineer.

Certificate
re maximum
loads

(3) In case a hoisting rope is used for the raising and lowering of both men and materials, the weight attached to the rope in the former case, when the bucket, cage or skip is bearing its authorized maximum load of men, shall not exceed 85 per cent of the maximum allowable weight when the rope is in use for other purposes, and the owner or manager shall obtain from the district engineer resident in the district a certificate in writing setting out the maximum loads of both men and materials that may be carried in the shaft conveyance before men are so carried. R.S.O. 1960, c. 241, s. 318 (1-3).

Friction
hoists

(4) For friction hoists, the conveyance man-load shall be determined as follows: 0.85 (maximum material load plus the weight of the conveyance) minus the weight of the conveyance. *New.*

When
certificate
issued

(5) The district engineer may issue the certificate referred to in subsection 3 if he is satisfied that the hoisting installation and signalling equipment meet the requirements of this Act. R.S.O. 1960, c. 241, s. 318 (4).

Certificate
re friction
hoists

(6) A certificate stating the maximum allowable suspended load and the maximum allowable unbalanced load rating shall be obtained from the manufacturer for friction hoists.

Determina-
tion of
maximum
material
load

(7) The maximum material-load allowed on the conveyance of a friction hoist shall be determined from the lesser of the following calculations:

1. Maximum allowable suspended load on the hoist, less the weight of the hoisting ropes, less the weight of tail ropes, less the weight of the conveyances and the attachments.
2. The breaking strength of the rope, divided by the required factor of safety, minus the maximum weight of rope suspended in one compartment, minus the weight of the conveyance and attachments in that compartment; and, where multiple ropes are used, the lowest breaking strength of any rope shall be used for all ropes in load calculations.
3. The unbalanced load on the hoist as rated by the manufacturer, which shall not be exceeded.

4. The maximum allowable load on any conveyance, which shall not be greater than that for which the conveyance was rated by the manufacturer. *New.*

Conveyance Notices and Discipline

319.—(1) A notice showing clearly the number of persons ^{Notice to be posted} allowed to ride on and the weight of materials allowed to be loaded on the conveyance, as referred to in subsection 3 of section 318, shall be posted and maintained at the collar of the shaft or winze.

(2) The person authorized to give signals is responsible for ^{Responsibility} observance of such notice. R.S.O. 1960, c. 241, s. 319.

320.—(1) When persons are being hoisted or lowered in a ^{Open lights, discipline} cage or skip, no person, other than the cagetender or skip-tender, shall have a burning open-flame lamp of any kind, except that, for shaft inspection or similar purposes, a sufficient number of lighted lamps shall be permitted.

(2) At all times that men are being hoisted or lowered in ^{Discipline maintained} a cage or skip, there shall be maintained a proper discipline of persons riding on that cage or skip.

(3) No person shall offer obstruction to the enforcement of ^{Observance of notice} the requirements of loading of conveyances under subsection 1 of section 319 or this section. R.S.O. 1960, c. 241, s. 320.

Signals

321. Every working shaft shall be provided with a suitable ^{Signal system} means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck. R.S.O. 1960, c. 241, s. 321.

322. A separate, audible signal system shall be installed ^{Separate signal for each compartment} for the control of each hoisting conveyance operated from a single hoist, and there shall be a sufficient difference in the signals to the hoistman that they are easily distinguishable. R.S.O. 1960, c. 241, s. 322.

323. Where an electrical signal system is installed, the ^{Return signal} hoistman shall return the signal to the person giving the signal when men are about to be hoisted or lowered. R.S.O. 1960, c. 241, s. 323.

324. No device for signalling to or communicating with ^{Special devices, permission for} the hoistman shall be installed or operated in or on any shaft conveyance without the written permission of the chief engineer. R.S.O. 1960, c. 241, s. 324.

Cage call
system

325. No cage call system communicating with the hoist-room shall be installed or used at a shaft or winze. R.S.O. 1960, c. 241, s. 325.

Code of
signals

326.—(1) The following code of signals shall be used at every mine and a copy of such code shall be printed and kept posted in every hoist room and at every level or other recognized landing place in every working shaft or winze:

1 bell. . . . Stop immediately—if in motion (Executive Signal).

1 bell. . . . Hoist (Executive Signal).

2 bells. . . . Lower (Executive Signal).

3 bells. . . . Men travelling in hoisting conveyance (Cautionary Signal). This signal shall be given by the conveyance tender at all levels before any person, including the conveyance tender, is permitted to enter or leave the conveyance. Where a stop exceeds one minute, the 3-bell signal shall precede the next destination signal. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before any person is permitted to enter or leave the conveyance.

[4 bells. . . . Blasting Signal. The hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal, only a 1-bell signal shall be required to signal for hoisting men away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.

5 bells. . . . Release Signal. The hoistman may act at his own discretion to perform any movement, or series of movements, involving the conveyance or conveyances designated by the destination signals referred to in section 327. Where a return-signal system is installed, the hoistman shall return the signals and may then act at his own discretion. On the completion of the necessary movements, he shall not move the hoist again until he has received a new signal.

9 bells. . . . Danger Signal (Special Cautionary). To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of the danger signal.

(2) The following method and order shall be observed in giving signals: Method and order of signals

1. Strokes on the bell shall be made at regular intervals.

2. Signals shall be given in the following order: 1st, Cautionary Signals; 2nd, Destination Signals; 3rd, Executive Signals. R.S.O. 1960, c. 241, s. 326.

327.—(1) At every mine, other signals, termed destination signals, in conjunction with the code referred to in subsection 1 of section 326 shall be used to designate all regular stopping points. Special signals

(2) Special signals shall be used to designate all special hoisting movements. Signals for movements

(3) All such signals shall be easily distinguishable from the foregoing code and shall not interfere with it in any way and shall follow the Department's standard mine signal code, and any deviation therefrom shall be approved by the chief engineer. Standard mine signal code

(4) Such destination signals and other special signals approved for use at every mine and an adequate description of their application to the movements required shall be posted at every hoist, at the top of the shaft or winze and at every working level of the shaft or winze. R.S.O. 1960, c. 241, s. 327. Destination signals

328.—(1) The hoistman shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that men are carried. Hoistman shall not move conveyance

(2) In case he is unable to act within one minute of the time he has received any complete signal, he shall not move the hoisting conveyance until he has again received another complete signal. R.S.O. 1960, c. 241, s. 328. If unable to move within one minute

329.—(1) After a hoistman has received a 3-bell signal, he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement. 3-bell signal

(2) After he has commenced the movement, he shall complete it without interruption, unless he receives a stop signal or in case of great emergency. R.S.O. 1960, c. 241, s. 329. Idem

330. The hoistman shall remain at the hoist controls at all times the hoist is in motion, except when the hoist is operating under automatic control. R.S.O. 1960, c. 241, s. 330. Hoistman to remain at controls

Notice re
talking to
hoistman

331. Except in case of emergency, no one shall speak to the hoistman while the hoist is in motion, and a sign to this effect plainly visible to anyone approaching the hoist controls shall be kept posted at all times. R.S.O. 1960, c. 241, s. 331.

Signal
required

332. Under no circumstances shall the hoisting conveyance be moved by the hoistman until he has received a proper signal, except that, in the event of an inadvertent stop at some point in the shaft or winze, other than at a station from which a signal may be given, the hoistman may move the conveyance when he has assured himself that the hoist controls are in proper working order and when hoisting or lowering men he has received instructions from a properly authorized person. R.S.O. 1960, c. 241, s. 332.

Only
authorized
person to
give signal

333.—(1) No person, unless duly authorized, shall give any signal for moving or stopping the bucket, cage or skip.

Idem

(2) No unauthorized person shall give any signal, other than the danger signal, or in any way whatsoever interfere with the signalling arrangements. R.S.O. 1960, c. 241, s. 333.

Only author-
ized person
may operate
hoist

(3) No person, unless duly authorized, shall operate any equipment for controlling the movement of the hoist or interfere with such equipment in any way. R.S.O. 1960, c. 241, s. 334.

Voice
communica-
tion

334. Except during shaft-sinking operations, a system shall be installed in all active shafts to provide voice communication between the collar and regular landing places. *New.*

Position of
conveyance

335. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. R.S.O. 1960, c. 241, s. 335.

Sinking Equipment

When
crosshead
required

336.—(1) After a depth of 300 feet below the sheave has been attained in the sinking of a vertical shaft or winze, a suitable bucket and crosshead, as referred to in subsection 2 and in section 337, shall be used.

Suspension,
barrel-
shaped
bucket

(2) When a closed type of crosshead is not used, the bucket shall be barrel-shaped and shall be suspended by the upper rim. R.S.O. 1960, c. 241, s. 336.

Safety
appliance on
crosshead

337.—(1) All sinking crossheads shall be provided with a safety appliance of a design approved by the mechanical engineer for attaching the bucket to the crosshead, so constructed that the crosshead cannot stick in the hoisting compartment without also stopping the bucket. R.S.O. 1960, c. 241, s. 337 (1).

(2) All crossheads shall be of a design approved by the Approval mechanical engineer. R.S.O. 1960, c. 241, s. 337 (2), *amended*.

Shaft Conveyances, Construction and Operation

338.—(1) No cage or skip shall be used for the raising or lowering of persons unless it is so constructed as to prevent any part of the body of a person riding therein from accidentally coming into contact with the timbering or sides of the shaft or winze. Protection of men in shaft conveyances

(2) Permission shall be obtained from the chief engineer before a skip is used for lowering or raising men in a shaft or winze, except during sinking, inspection or maintenance operations. R.S.O. 1960, c. 241, s. 338. Permission necessary to handle men in skip

339. All cages or skips for lowering or raising men shall comply with the following: Construction of cages and skips, etc.

1. The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness or of a material of equivalent strength.
2. The cage shall be provided with sheet-iron or steel side casing not less than one-eighth of an inch in thickness or of a material of equivalent strength, and the casing shall extend to a height not less than five feet above the floor of the cage.
3. The cage shall be equipped with doors made of suitable material that extend to a height not less than five feet above the floor.
4. The doors shall be so arranged that it is impossible for the doors to open outward from the cage.
5. Doors shall be fitted with a suitable latch and shall have a minimum clearance at the bottom.
6. The safety catches and mechanism shall be of sufficient strength to hold the shaft conveyance with its maximum load at any point in the shaft and shall be of a type the design and performance of which are approved by the chief engineer.
7. Such approval shall not be considered until the safety catches and mechanism are found to function satisfactorily under load conditions during such number of tests as are required by the chief engineer, each test to consist of suddenly releasing the shaft conveyance

in a suitable manner under maximum loading conditions for persons so that the safety catches will have the opportunity to grip the guides when the conveyance is descending at maximum speed.

8. A report of such tests and drawings of the safety catches and mechanism shall be sent in duplicate to the chief engineer, who may require such further information or tests as he deems necessary.
9. Before a shaft conveyance equipped with an approved type of safety catches and mechanism is first used for the purpose of lowering or hoisting men, the safety catches and mechanism shall be found to function efficiently according to the requirements of the mechanical engineer during a test under the same conditions as set out in paragraph 6, and a permit for the use of the conveyance for hoisting and lowering men shall be obtained from the district engineer. R.S.O. 1960, c. 241, s. 339, pars. 1-9.
10. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the mechanical engineer. R.S.O. 1960, c. 241, s. 339, par. 10, *amended*.
11. A shaft conveyance previously permitted for use by the district engineer for the purpose of lowering or hoisting men on which alterations or repairs to the safety catch mechanism necessary to rectify any distortion of the mechanism from its proven satisfactory position are made shall not be put to such use until the safety catch and mechanism have been found to function efficiently according to the requirements of the mechanical engineer during a test made under the same conditions as set out in paragraph 6 and the district engineer has again issued permission for the use of the conveyance for such purpose. R.S.O. 1960, c. 241, s. 339, par. 11.
12. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the mechanical engineer. R.S.O. 1960, c. 241, s. 339, par. 12, *amended*.
13. A certificate of load capacity of the conveyance and attachments, which shall include the weight of the tail rope, if any, or other suspended load, shall be obtained from the manufacturer and made available to the mechanical engineer.

14. Devices for attaching the conveyance to the rope shall have a factor of safety of not less than 10.
15. The bales and suspension gear of all shaft conveyances shall be cleaned and thoroughly inspected at least once in every twelve months and a record of such inspection shall be made in the Hoisting Machinery Record Book. *New.*
340. The chief engineer may give permission in writing for hoisting men without safety catches if he is satisfied that the equipment and conditions are such that maximum safety is provided. R.S.O. 1960, c. 241, s. 340. Hoisting without safety catches
341. The cage shall not have chairs attached to it that are operated by a lever or a chain through or from the floor of the cage. R.S.O. 1960, c. 241, s. 341. Operating chairs by lever
342. When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze, other than at the lowest point of travel for a skip, they shall be so arranged that they automatically fall clear and remain clear of the hoisting compartment when the cage or other conveyance is lifted off. R.S.O. 1960, c. 241, s. 342. Automatic operation of chairs
343. The bucket and any device such as the bale, safety latch or other attachment to the bucket shall be of a design approved by the chief engineer. R.S.O. 1960, c. 241, s. 343. Bales, safety latches, etc.

Hoisting Procedure

- 344.—(1) If at the commencement of a shift there has been a stoppage of hoisting in a shaft for a period exceeding two hours duration, no regular hoisting shall be done until the shaft conveyance has made one complete trip through the working part of the shaft or, where shaft repairs have been made, a return trip of the shaft conveyance has been made through and below the affected part of the shaft. R.S.O. 1960, c. 241, s. 344 (1), *amended*. Hoisting after stoppages
- (2) The hoistman shall record all such stoppages and trips in the Hoistman's Log Book. R.S.O. 1960, c. 241, s. 344 (2). Record of stoppages
345. Where a hoist is equipped with an auxiliary overwind device for preventing men from being hoisted to the dumping position in skips or in skips of skip-cage assemblies as required in section 590, the hoistman shall place the device in operation or assure himself that it is in operation at all times that men are handled. R.S.O. 1960, c. 241, s. 345. Auxiliary overwind

Obstructions 346. Where obstructions such as those referred to in section 558 may exist, the hoistman shall not hoist or lower the shaft conveyance without proper authority. R.S.O. 1960, c. 241, s. 346.

Testing overwind devices 347. All overwind and underwind devices shall be tested at least once during every twenty-four hours and a record of the test shall be posted immediately in the Hoistman's Log Book. R.S.O. 1960, c. 241, s. 347.

Brakes to be tested 348.—(1) The operator of a hoist shall, after going on shift and before a conveyance is raised or lowered, assure himself that the brake or brakes are in proper condition to hold the loads suspended on the corresponding drum or drums by testing the brakes of the drums against the normal starting power of the engine or, in the case of an electric hoist, against the normal starting current.

Drum not to be unclutched (2) The operator of a hoist shall not unclutch a drum of the hoist until the test mentioned in subsection 1 has been made. R.S.O. 1960, c. 241, s. 348.

Friction clutches 349.—(1) Where a hoist is fitted with a friction clutch, the operator shall, after going on shift and before a conveyance is raised or lowered, test the holding power of the clutch, the brake of the corresponding drum being kept on and the brake of the other drum being kept off.

Idem (2) In the case of a steam or air hoist, the test mentioned in subsection 1 shall be made against the normal starting power of the engine and, in the case of an electric hoist, against the normal starting current. R.S.O. 1960, c. 241, s. 349.

Use of brake when drum unclutched 350. When the drum of a hoist is unclutched, the brake of the drum shall be used only for the purpose of maintaining the drum in a stationary position, and no lowering shall be done from an unclutched drum. R.S.O. 1960, c. 241, s. 350.

When clutch to be kept in 351. When men are in a hoisting conveyance, the corresponding drum of the hoist shall be kept clutched in. R.S.O. 1960, c. 241, s. 351.

Hoistman's Log Book

Hoistman's Log Book 352.—(1) At every shaft or winze hoist, there shall be kept a Hoistman's Log Book in which the following shall be recorded:

1. A report of the working condition of the hoist, including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and

all other devices and fittings pertaining to the safe operation of the hoist.

2. A report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned.
3. Any special instructions received involving the safety of persons, such entry to be signed by the hoistman and by the person issuing the instructions.
4. A report of the tests of the overwind and underwind devices.
5. Where the required tests of the overwind and underwind devices are conducted by a hoistman operating on another shift, the hoistman assuming duty shall note over his signature that he has examined the entry in the log book of the hoistman who performed the tests.
6. A report of all abnormal circumstances in connection with the operation of the hoist or attachments thereto and such abnormal conditions as have come to the hoistman's knowledge in connection with the hoisting operations in the shaft or winze.
7. A report of all trial trips referred to in sections 344 and 382.

(2) A notification to the hoistman on a succeeding period ^{Idem} of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the Hoistman's Log Book.

(3) All such entries shall be countersigned by the hoistman ^{Idem} assuming duty for the succeeding period.

(4) Such entries as are required by this section shall be ^{Idem} made and signed by every hoistman for his period of duty on a shaft or winze hoist and the time and duration of his period of duty shall also be noted, and such entries as have been made during the preceding twenty-four hours shall be read and signed each day by the master mechanic or other authorized person. R.S.O. 1960, c. 241, s. 352.

Hoist Brakes

353.—(1) Every device used for hoisting from mine work-^{Brakes required} ings shall be equipped with a brake or brakes that may be applied directly to each drum so as to readily stop and hold the drum when it is carrying its maximum load.

Arranged
to test
separately

(2) The brakes shall be so arranged that they can be tested separately and, whether the hoist is at work or at rest, can be easily and safely manipulated by the hoistman when at the levers controlling the hoist.

Not
operated
by foot

(3) No hoist used for raising or lowering persons or for shaft sinking shall be equipped with a brake or brakes operated by means of a hoistman's foot, unless such brake is an auxiliary electrical device.

Adjustments
to be
maintained

(4) The adjustments of the brake or brakes and brake mechanism shall be maintained in such condition that the brake lever or any other part of the brake mechanism will not come to the limit of travel before the normal power of the brake or brakes is applied. R.S.O. 1960, c. 241, s. 353 (1-4).

Loss of
brake
pressure

(5) All brake engines shall be so equipped that, in the event of inadvertent or accidental loss of pressure in the brake system, the brakes may be applied. R.S.O. 1960, c. 241, s. 353 (5), *amended*.

Brake for
friction
hoists

(6) The brakes for a friction hoist shall be designed, adjusted and maintained to safely stop and hold the conveyance under all conditions of loading, direction of travel and speed. *New*.

Brakes

(7) At all times that men are in or on a shaft hoisting conveyance, the hoist shall be equipped with more than one brake, each capable of stopping and holding the drum or drums in use, except that, in shaft inspection, maintenance or sinking operations, men may be in or on a shaft hoisting conveyance attached to the fixed or clutched-in drum when changing balance.

Automatic
operation

(8) At least one of the brakes required shall be arranged for automatic application upon operation of any of the safety devices for brake application. R.S.O. 1960, c. 241, s. 353 (6, 7).

Freedom of
falling
weights

(9) In a brake system where weights are used to furnish auxiliary pressure on loss of air, the weights shall be tested at least once every twenty-four hours to ensure their freedom of movement. *New*.

Single drum
air or steam

(10) In the case of single drum air or steam driven hoists, automatic valves to control engine compression, arranged for operation by the safety devices, may serve as a brake.

Idem

(11) The arrangements mentioned in subsection 10 are subject to the approval of the mechanical engineer. R.S.O. 1960, c. 241, s. 353 (8, 9).

Hoist Clutches

354. The device for operating the clutch of the drum shall be provided with adequate means to prevent the in-^{Clutch-locking} arrangement advertent withdrawal or insertion of the clutch. R.S.O. 1960, c. 241, s. 354.

355. The brake and clutch operating gear shall be so installed that it will not be possible to unclutch a drum unless ^{Interlocking brake and clutch} the brake or brakes on the drum are applied, nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged. R.S.O. 1960, c. 241, s. 355.

Hoist Drums

356. Such bolts and other fittings of the drums, brakes and clutches as might be a danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices other than spring lockwashers. ^{Securing of drum parts} R.S.O. 1960, c. 241, s. 356.

357. On the drum of every hoist used for lowering or raising persons, there shall be flanges and also, if the drum is ^{Slipping of rope on drum} conical, such other appliances as are sufficient to prevent the rope or cable from slipping off. R.S.O. 1960, c. 241, s. 357.

358.—(1) In all hoist installations, the dimensions of the drum or drums shall be suitable for the kind, diameter and ^{Suitability of hoist drum for rope} length of the rope in service.

(2) The diameters of the hoist drums shall be large enough to prevent the occurrence of unduly large bending stresses in ^{Bending stresses in rope} the rope.

(3) Where multiple-layer winding is used, proper arrangements shall be made and maintained to permit the rope to rise evenly from one layer to another and to wind properly without cutting down through any lower layer. ^{Rope risers} R.S.O. 1960, c. 241, s. 358.

359.—(1) On and after June 15, 1948, in all installations of newly-acquired drum hoists and modifications of existing ^{Drum hoist installation} hoists designed to increase the load ratings of the hoist,

- (a) all hoist drums over sixty inches in diameter shall have grooving properly machined to fit the rope used, except that, in the case of shaft sinking, preliminary development operations and operations of a temporary nature, hoists with plain drums may be used;

- (b) the drums shall have sufficient rope-carrying capacity to permit hoisting from the lowest regular hoisting point to the highest point of travel in the shaft without the necessity of winding more than three layers of rope on the drum;
- (c) the diameter of a hoist drum shall not be less than 80 times the diameter of the hoisting rope in use when the diameter of the rope is greater than one inch and shall not be less than 60 times the diameter of the rope in use when the diameter of the rope is not greater than one inch, except that, in the case of shaft-sinking and preliminary development operations,
 - (i) a hoist may be used having a drum whose diameter is not less than 60 times the diameter of the hoisting rope in use when the diameter of the rope is greater than one inch, and
 - (ii) a hoist may be used having a drum whose diameter is not less than 48 times the diameter of the hoisting rope in use when the diameter of the rope is not greater than one inch; and
- (d) the hoist and the head sheaves shall be so located in relation to one another as to permit the proper winding of the rope on the hoist drum. R.S.O. 1960, c. 241, s. 359, *amended*.

Change of
location

(2) In any change of location of a hoist installed prior to the coming into force of this section, the requirements of clause *b* of subsection 1 apply.

Friction
hoist
installations

(3) In friction hoist installations,

- (a) the drum diameter shall not be less than 80 times the diameter of the rope;
- (b) the hoist drive, control and brakes shall be so designed and maintained that slippage of the rope on the drum will not occur under normal operating conditions; and
- (c) the rope treads shall be inspected regularly and maintained in good condition. *New*.

Sheaves

Head
sheaves

360.—(1) Head sheaves shall be of such diameter as is suited to the rope in use and shall be machined properly to fit the rope.

(2) The diameter of a head sheave shall be determined by ^{Diameter} clause *c* of subsection 1 of section 359 as required for the hoist drum. R.S.O. 1960, c. 241, s. 384.

(3) The deflection sheaves shall be inspected weekly and ^{Deflection} the results recorded in the Hoisting Machinery Record Book. *New.*

Overwinding, etc.—Air and Steam Hoists

361. In the case of steam or air hoists, where the depth of ^{Overwind and under-wind protection for air or steam hoists} the shaft is greater than 300 feet or the hoisting speed is greater than 350 feet per minute, or in the case of a hoist designated by a mechanical engineer, there shall be provided suitable overwind and underwind protection for the hoisting conveyance, except that, in shaft-sinking, inspection and maintenance operations, the underwind protection may be dispensed with. R.S.O. 1960, c. 241, s. 360.

362. At all air or steam hoists, there shall be installed ^{Gauge required} within plain view of the operator a gauge to indicate the air or steam pressure. R.S.O. 1960, c. 241, s. 361.

Indicators

363.—(1) Every hoist shall, in addition to any marks on ^{Indicator required} the rope or drum, be provided with a reliable depth indicator that will clearly and accurately show to the operator,

- (a) the position of the bucket, cage or skip;
- (b) at what positions in the shaft a change of gradient necessitates a reduction in speed; and
- (c) the overwind or underwind position of the shaft conveyance or counterbalance. R.S.O. 1960, c. 241, s. 362 (1), *amended*.

(2) Hoist depth indicators shall be driven by a reliable ^{Operation of indicator} means. R.S.O. 1960, c. 241, s. 362 (2).

(3) Means shall be provided on a friction hoist to adjust ^{Means to adjust indicator on friction hoist} the depth indicators and protective devices on the hoist to the position of the conveyance in the shaft. *New.*

Special Testing

364.—(1) The specifications of the hoist and equipment ^{Specifi-cations} and the general arrangement of the headframe shall be ap-required proved by the chief engineer. *New.*

Tests

(2) Before a new hoisting installation is put in service, tests shall be conducted to prove its compliance with this Act. R.S.O. 1960, c. 241, s. 363 (1), *amended*.

Record kept available

(3) A record of such tests and the results obtained shall be kept on file and made available to an engineer. R.S.O. 1960, c. 241, s. 363 (2).

Special testing by mechanical engineer

(4) If the mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all brakes, clutches, overwind devices or other hoist controls. R.S.O. 1960, c. 241, s. 364.

Tapered Guides, etc.

Final protection

365. In a friction hoist installation, tapered guides or other approved devices shall be installed above and below the limits of regular travel of the conveyance, arranged so as to brake and stop an overwound or underwound conveyance in the event of failure of other devices. *New*.

Examination

Examination of hoisting equipment required

366. The owner or manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it is to examine at least once in each week,

- (a) sheave wheels;
- (b) attachments of the hoisting ropes to the drums and to the counterweights, buckets, cages or skips;
- (c) brakes;
- (d) interlocks;
- (e) depth indicators;
- (f) buckets;
- (g) counterweights;
- (h) cages;
- (i) skips;
- (j) external parts of the hoist;
- (k) mechanical hoisting signalling equipment, if any;

- (l) shaft dumping and loading arrangements;
- (m) sinking doors and blasting sets, and any attachments thereto; and
- (n) attachments to any cage, skip or bucket for any underslung regularly-used equipment,

and to record the report of such examination in a book called the Hoisting Machinery Record Book. R.S.O. 1960, c. 241, s. 365.

Hoist Loading

367.—(1) No drum hoist shall be used that is not accompanied by a certificate from the manufacturer or an independent competent hoist design engineer giving the maximum permissible rope pull for each drum and the maximum permissible suspended load of the hoist, and the hoist shall not be loaded beyond the maximum loads so specified. R.S.O. 1960, c. 241, s. 366 (1), *amended*. Permissible
hoist loading

(2) No alterations designed to increase the hoisting capacity shall be made to a hoist unless approval is given by its manufacturer or an independent competent hoist design engineer. R.S.O. 1960, c. 241, s. 366 (2). Approval
for
increased
capacity

Hoisting Ropes

368.—(1) The connection between the hoisting rope and the bucket, cage, skip, counter-balance or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum. Rope
connection

(2) No open-hook device shall be used for such purpose. R.S.O. 1960, c. 241, s. 367 (1, 2). No open
hooks

(3) Such device shall be of a design approved by the chief engineer. R.S.O. 1960, c. 241, s. 367 (3), *amended*. Approved
connections

(4) The drum end of the rope shall be fastened to the spider of the drum or around the drum shaft in some suitable manner. R.S.O. 1960, c. 241, s. 367 (4). Fastened
to spider

369. In no case shall a rope that has been spliced be used for hoisting purposes. R.S.O. 1960, c. 241, s. 368. Splicing
prohibited

370.—(1) No hoist shall be operated with less than three turns of rope on the drum when the bucket, cage or skip is at the lowest point in the shaft from which hoisting is effected. R.S.O. 1960, c. 241, s. 369 (1). Length of
rope
required
on hoist
drum

Three layers
only on
drum

(2) No hoist acquired after the 15th day of June, 1948, and no hoist existing on that date and modified after that date so as to increase its load rating, and no hoist that has its location changed, shall be operated with more than three complete layers of rope on the drum when the conveyance is at the highest point of travel in the shaft. R.S.O. 1960, c. 241, s. 369 (2), *amended*.

Test
certificate

371.—(1) No hoisting rope shall be used that has not been tested by the Ontario Government Cable Testing Laboratory and for which a certificate of the test is not in the possession of the user. R.S.O. 1960, c. 241, s. 370 (1).

Number of
test
specimens
required

(2) In friction hoist installations, where multiple ropes are used and when manufactured have been laid up continuously, a specimen shall be submitted for test, cut from the portion between each pair of ropes,

- (a) in the case of four ropes, two specimens shall be required;
- (b) in the case of three ropes, two specimens shall be required. *New*.

Manu-
facturer's
certificate

(3) No hoisting rope or tail rope shall be used that is not accompanied by a certificate from the manufacturer giving the following information:

1. Name and address of manufacturer.
2. Manufacturer's rope number.
3. Date of manufacture.
4. Diameter of rope in inches.
5. Weight per foot in pounds.
6. Number of strands.
7. Class of core.
8. Percentage of weight of lubricant in core.
9. Trade name of interior rope lubricant.
10. Number of wires in strand.
11. Grade of steel.
12. Diameter of wires in decimals of an inch.

13. Breaking stress of steel of which the wire is made in pounds per square inch.
14. Standard torsion test of wires.
15. Actual breaking load of rope, as provided by the certificate referred to in subsection 1.
16. Length of rope. R.S.O. 1960, c. 241, s. 370 (2), *amended*.

(4) When any rope is put on in a shaft compartment or hoisting way, the data mentioned in subsection 3 shall be entered in a book called the Rope Record Book, together with the additional following information:

Rope data
to be entered
in Rope
Record Book

1. Name of person from whom purchased.
2. Date of purchase.
3. Date put on in present location.
4. Identification number of rope.
5. Name of shaft or winze and compartment in which rope is used.
6. Weight of shaft conveyance.
7. Weight of material carried.
8. Maximum length of rope in service below sheave.
9. Maximum weight of rope in service below sheave.
10. Static factors of safety at conveyance connection and at head sheave with rope fully let out.
11. Date put on and removed from previous locations, if any.

(5) Duplicate copies of such entries shall be forwarded to the chief engineer at the time the rope is put on in any location.

Information
to be sent
to chief
engineer

(6) The owner or manager shall keep or cause to be kept at the mine a book called the Rope Record Book, in which shall be recorded, in addition to the information referred to in subsections 3 and 4, the following information:

Rope Record
Book

1. A history of the hoisting rope, outlining the date on which the rope was first put on.

2. Dates of shortening.
3. Dates and results of breaking tests.
4. Date and reason for taking off, for each occasion the rope is put into and taken out of service. R.S.O. 1960, c. 241, s. 370 (3-5).

Rope Record Book open to engineer (7) The Rope Record Book shall be available to the engineer.

Notification of rope discarded (8) When a hoisting rope or tail rope is taken out of service from a shaft compartment, notice to that effect shall be forwarded to the chief engineer, giving the date, the reasons for discarding or discontinuing the use of the rope, disposition of the rope, and such other information as he requires. R.S.O. 1960, c. 241, s. 370 (6, 7), *amended*.

Permission required to use old rope 372.—(1) No hoisting rope or tail rope that has previously been in use in a place beyond the control of the owner shall be put on anew, except with the permission in writing of the chief engineer. R.S.O. 1960, c. 241, s. 371 (1), *amended*.

Request for permission (2) Request for permission to use such rope shall be accompanied by certification that the rope has been properly examined and that no apparent defects have been found.

Test pieces (3) Two standard test pieces, one from each end of the rope, shall also be sent to the Ontario Government Cable Testing Laboratory for test. R.S.O. 1960, c. 241, s. 371 (2, 3).

Precautions, used ropes 373. No hoisting rope or tail rope that has been removed from service at a shaft or winze compartment shall be put on anew for the purpose of raising or lowering men unless proper measures have been taken for the maintenance of the rope and the owner or manager is satisfied that the rope is in safe working condition. R.S.O. 1960, c. 241, s. 372, *amended*.

Rope removal 374. When a shaft compartment has been abandoned for hoisting purposes, the hoisting rope shall immediately be removed from the shaft. R.S.O. 1960, c. 241, s. 373.

Rope not to be reversed 375. No hoisting rope shall be reversed until application has been made in writing to the chief engineer, standard test pieces from each end of the rope have been submitted for test, and approval for the reversal has been received from the chief engineer. R.S.O. 1960, c. 241, s. 374.

376.—(1) For the purpose of this section, the factor of safety of a hoisting rope or tail rope in a shaft or winze means the number of times the breaking strength of the rope is greater than the total weight supported by the rope at a definite place in the rope. ^{Factor of safety of hoisting rope}

(2) The breaking strength of the hoisting rope means the breaking strength of the rope as shown in the test certificate issued by the Ontario Government Cable Testing Laboratory before the rope is installed, as required by subsection 1 of section 371. R.S.O. 1960, c. 241, s. 375 (1, 2), *amended*. ^{Breaking strength, hoisting rope}

(3) The breaking strength of the tail rope shall be that as certified by the manufacturer. *New*. ^{tail rope}

(4) Every hoisting rope, when newly installed on a newly-acquired drum hoist or on an existing drum hoist modified to increase the hoist load ratings or on a drum hoist that has had its location changed, shall have a factor of safety of not less than 8.5 at the end of the rope where it is attached to the shaft or winze conveyance and where the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted. R.S.O. 1960, c. 241, s. 375 (3), *amended*. ^{Idem}

(5) In addition, the hoisting rope shall have a factor of safety of not less than 5 at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted plus the weight of that part of the rope that extends from the head sheave to the conveyance. ^{Idem}

(6) Every hoisting rope when newly installed on hoists that were the property of a mine on the 15th day of June, 1948, shall have a factor of safety of not less than 6 for shafts and winzes less than 2,000 feet in depth and not less than 5 for shafts and winzes over 2,000 feet in depth at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted plus the weight of that portion of the rope that extends from the head sheave to the conveyance. R.S.O. 1960, c. 241, s. 375 (4, 5). ^{Idem}

(7) When the rope is installed on a friction hoist, the factor of safety shall not be less than that as determined from the following formula: $F. of S. = 9.5 - .00075 d$, where d is the maximum length of rope suspended below the head sheave in feet. ^{Factor of safety for friction hoist}

- Idem (8) For friction hoists, the factor of safety shall not be less than 5.5 for any depth of shaft when the rope is installed.
- Idem (9) The factor of safety for a given friction hoist installation is the lowest actual breaking strength, as determined by the Ontario Government Cable Testing Laboratory for the ropes, times the number of ropes, divided by the sum weight of the conveyance and attachments, the maximum conveyance load carried and the maximum weight of rope suspended in one compartment of the shaft.
- Idem (10) The factor of safety of the tail rope shall not be less than 7 when installed. *New.*
- Rope discarded 377. No hoisting rope shall be used in a shaft or winze where in any part of the rope,
- (a) the existing strength has decreased to less than 90 per cent of the original strength of the rope;
 - (b) the extension of a test piece has decreased to less than 60 per cent of its original extension when tested to destruction;
 - (c) the number of broken wires in any section of the rope equalling the length of one lay of the rope exceeds six;
 - (d) marked corrosion occurs;
 - (e) the rate of stretch in a friction hoisting rope begins to show a rapid increase over the normal stretch noted during its service. R.S.O. 1960, c. 241, s. 376, *amended.*
- Rope dressing 378.—(1) The rope dressing used on a drum hoisting rope or tail rope shall be suited to the operating conditions of the rope, and the dressing shall be applied at least once in every month and as often as is necessary to maintain the coating on the rope in good condition. R.S.O. 1960, c. 241, s. 377 (1), *amended.*
- Idem (2) Every time the rope is dressed, a report of the treatment shall be recorded in the Hoisting Machinery Record Book and signed by the person who performed the work. R.S.O. 1960, c. 241, s. 377 (2).
- Rope Testing*
- Testing of hoisting rope 379.—(1) At least once in every six months, the hoisting rope of a drum hoist shall have a portion not less than eight feet in length cut off the lower end from a position above the clamps or other attachment. R.S.O. 1960, c. 241, s. 378 (1), *amended.*

(2) The length so cut shall have the ends adequately ^{Ends adequately bound} fastened with binding wire before the cut is made to prevent the disturbance of the strands and shall be sent to the Ontario Government Cable Testing Laboratory for a breaking test. R.S.O. 1960, c. 241, s. 378 (2).

(3) In friction hoist installations, specimens shall be sub- ^{Tests required for friction hoist ropes} mitted for test and examination during the life of the rope if and when available and as close to six-month intervals as practicable. *New.*

(4) The certificate of the test shall be kept on file and a ^{Recording of test} summary thereof recorded in the Rope Record Book. R.S.O. 1960, c. 241, s. 378 (3).

380.—(1) The chief engineer may require that test speci- ^{Special testing of used hoisting ropes} mens shall be cut from any rope discarded for use in mine hoisting at points specified by him and sent to the Ontario Government Cable Testing Laboratory for special testing and investigation if he is of the opinion that such testing and investigation are in the interest of better mine hoisting practice.

(2) No charge shall be made for such special testing and ^{No charge for testing} investigation. R.S.O. 1960, c. 241, s. 379.

Clearance for Tail Ropes

381. Water and muck spillage in the shaft sump shall be ^{Tail ropes to be clear} kept at such a level that the tail ropes shall have a clear passage at all times. *New.*

Rope Attachments

382.—(1) A hoisting rope when newly put on, and after ^{Examination of attachments} any subsequent cutting thereof, shall have the connecting attachments between the bucket, cage, skip or counterweight and the connection between the drum and the rope carefully examined by some competent and reliable person or persons authorized by the owner, manager or department head, and shall not be used for ordinary transport of persons in a shaft or winze until two complete trips up and down the working parts of the shaft or winze have been made, the bucket, cage, skip or counterweight bearing its authorized load.

(2) The hoistman shall make a record of such two complete ^{Record to be kept} trips in the Hoistman's Log Book.

(3) The results of the examination of the connecting ^{Results to be recorded} attachments between the bucket, cage, skip or counterweight and hoist drum and the rope shall be recorded in the Hoisting Machinery Record Book and signed by the person making the examination. R.S.O. 1960, c. 241, s. 380.

Cleaning and examination of rope connections 383.—(1) Every six months, the connection between the rope and the bucket, cage, skip or counterweight shall be thoroughly cleaned and examined. R.S.O. 1960, c. 241, s. 381 (1), *amended*.

Idem (2) At such time, the connection between the rope and the drum shall be thoroughly cleaned and examined. R.S.O. 1960, c. 241, s. 381 (2).

Counter-weight 384. The rope from the counterweight shall be attached to the drum of the hoist and not to the shaft conveyance in drum hoist installations. R.S.O. 1960, c. 241, s. 382, *amended*.

Examination of Ropes and Safety Appliances

Examination of ropes and safety appliances 385.—(1) The owner or manager shall depute a competent person or persons who shall examine,

- (a) at least once in each day, the exterior of the hoisting rope and tail rope to detect the presence of kinks or other visible damage and to note the appearance of the rope dressing;
- (b) at least once in each month, the structure of that portion of the hoisting rope that is not on the hoist drum when the conveyance is at its lowest stopping point, and the tail rope, with a view to ascertaining the deterioration thereof, and for the purpose of this examination the rope shall be cleaned at points selected by such person or persons, who shall note any reduction in the diameter or circumference of and the proportion of wear in the rope, and the starting point of the examination shall be changed slightly from month to month in order to obtain more complete information, but any portion showing appreciable reduction in diameter or circumference or appreciable wear shall be checked when the rope is again examined;
- (c) the portion of the rope that normally remains on the drum of a drum hoist when the conveyance is at its lowest stopping point, and shall lubricate such portion, and, if, during the examination of the rope, significant deterioration is found in the portion on the drum or at the cross-over points, the rope shall be shortened sufficiently to eliminate any crushed portion or to change the position of the cross-over points if either or both are necessary;
- (d) at least once in each day, the safety catches, if any, of the conveyance, to be sure they are clean, sharp and in proper adjustment and working condition;

- (e) at least once in every three months, the safety catches of the cage or other shaft conveyance so equipped by testing the same, such test to consist of releasing the empty conveyance suddenly in some suitable manner from rest so that the safety catches have the opportunity to grip the guides, and, in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for raising or lowering men until the safety catches have been repaired and have been proved to act satisfactorily, as referred to in paragraph 11 of section 339. R.S.O. 1960, c. 241, s. 383 (1), *amended*.

(2) In friction hoist installations, the stretch of the hoisting rope or ropes shall be measured and recorded in the Friction Hoist Machinery Record Book. Stretch to be recorded

(3) In friction hoist installations, measurement of rope diameters and the location and number of broken wires shall be recorded monthly in the Friction Hoist Machinery Record Book. Rope diameters and broken wires to be recorded *New*.

(4) If the mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or cause to be conducted specific tests of the safety catches with which a conveyance is equipped. Mechanical engineer may conduct tests

(5) If on examination there is discovered any weakness or defect whereby the safety of persons may be endangered, the weakness or defect shall be immediately reported to the owner or manager or person in charge and, until the weakness or defect is remedied, the hoisting plant shall not be used. Defects to be remedied at once R.S.O. 1960, c. 241, s. 383 (2, 3).

(6) It is the duty of the person referred to in subsection 1 to record the reports of all examinations therein referred to and also to record all reports referred to in subsection 5 in a book called the Hoisting Machinery Record Book or the Friction Hoist Machinery Record Book, whichever is applicable. Recording of examination and reports R.S.O. 1960, c. 241, s. 383 (4), *amended*.

Hoisting Machinery Record Books

386.—(1) The owner or manager shall keep or cause to be kept at the mine the Hoisting Machinery Record Books referred to in section 366, in which shall be entered a report of every examination or report referred to in sections 339 and 366, subsection 2 of section 378, subsection 3 of section 382 and sections 383 and 385, and a notation of any failure of, accident to, correction or repairs to the hoist, the hoisting rope, Entering of reports

the shaft conveyance or any other part of the hoisting, dumping or loading equipment, signed by the person making the examination or report.

Entries to
be signed

(2) Such entries shall be read and signed each day, week or month, as is required by this Act, by the person in charge of such equipment or accessories thereto.

What to
be entered

(3) A notation shall be made in the Hoisting Machinery Record Books of the action taken regarding the report of any failure of, accident to, corrections or repairs to the hoist, the hoisting rope, the shaft conveyance or any other part of the hoisting, dumping or loading equipment, over the signature of the person in charge of such equipment or accessories thereto.

Books to be
available

(4) The Hoisting Machinery Record Books shall be made available to the engineer at all times. R.S.O. 1960, c. 241, s. 385, *amended*.

Raise Climbers

Brakes

387.—(1) Raise climbers shall be fitted with more than one means of braking, each capable of stopping the climber and holding it in place.

Maintenance

(2) Raise climbers shall be maintained in safe operating condition.

Testing of
brakes

(3) The operator of a raise climber shall ensure at the beginning of his shift that the brakes are in safe working condition.

Load
capacity

(4) The rated load capacity of the equipment as certified by the manufacturer shall not be exceeded.

Log book

(5) Where raise climbers are used pursuant to section 271 or subsection 2 of section 315, an approved log book shall be maintained.

Record
kept

(6) A record of inspections, maintenance and repairs shall be maintained in the log book.

Availability
to engineer

(7) The log book shall be available to the engineer at all times. *New*.

Elevators

Folding
gates

388.—(1) Every entrance to a hoistway shall be provided with a substantial door or doors or gate or gates at least five feet six inches in height.

(2) All folding gates over three feet wide shall have top, ^{Idem} bottom and centre braces.

(3) Every gate or door opening to an elevator hoistway ^{Interlocks} shall be so controlled by an interlocking device that the elevator cannot be moved unless the door or gate is properly closed and that the door or gate cannot be opened unless the elevator car is in the proper position at the floor or landing place. R.S.O. 1960, c. 241, s. 386.

389. Every hoistway landing place shall be adequately ^{Lighting} lighted. R.S.O. 1960, c. 241, s. 387.

390. When a hoistway is not enclosed in walls, access to ^{Guarding hoistway} the hoistway by means of an adjacent stairway shall be prevented by means of a partition to a height of at least six feet. R.S.O. 1960, c. 241, s. 388.

391. All guide rails for cars and counterweights shall be ^{Guide rails} of substantial construction and shall be securely fastened to the sides of the hoistway, and the bottom ends shall rest on a secure foundation and shall be firmly fixed in that position. R.S.O. 1960, c. 241, s. 389.

392. At every elevator, other than an approved auto- ^{Clearance for car} matically-controlled passenger elevator, a clear space of not less than three feet shall be provided between the bottom of the hoistway and the lowest point of the car when the car is at its lowest landing, and between the top of the car and the sheave when the car is at its top landing, and also between the top of the counterweight and the sheave when the car is at its lowest landing. R.S.O. 1960, c. 241, s. 390.

393. Every elevator shall be provided with automatic ^{Automatic safety devices} devices at the top and bottom of the travel of a car in the hoistway, so arranged that the car will be stopped before it has travelled two feet above the top landing, or two feet below the bottom landing, and all drum hoists shall, in addition, be fitted with automatic stop motions to prevent overwinding. R.S.O. 1960, c. 241, s. 391.

394. All counterweights shall have their sections strongly ^{Protecting counterweights} bolted together, shall be so placed that they cannot fall on any part of the elevator or machinery and shall be suspended in guides in such a manner that they will run freely without danger of being detached. R.S.O. 1960, c. 241, s. 392.

395. Every elevator on which any person travels shall be ^{Protection on elevator} provided with side casing and shall have a door or doors extending at least five feet above the bottom of the elevator, and the top shall be covered with suitable protective roofing. R.S.O. 1960, c. 241, s. 393.

Safety catches

396.—(1) Every elevator on which any person travels shall be provided with efficient safety catches capable of holding the elevator and its maximum load in any position in the hoistway.

Idem

(2) When the safety catches are operated through shafts, all the levers and safety catches shall be keyed to the shafts. R.S.O. 1960, c. 241, s. 394.

Signalling devices

397. For every elevator on which any person travels, other than an elevator equipped with approved controls for automatic operation, there shall be provided at every floor or landing place suitable devices to signal to the elevator car operator. R.S.O. 1960, c. 241, s. 395.

Inspection of elevators

398.—(1) The ropes, safety devices, safety catches, signalling devices, doors, interlocks and other electrical and mechanical equipment necessary to the safe operation of elevators shall be inspected at least once each month.

Records available

(2) The records of such inspection shall be made available to the engineer. R.S.O. 1960, c. 241, s. 396.

Posting capacity of elevator

399. The manufacturer's rated capacity for the elevator shall be posted in the elevator. R.S.O. 1960, c. 241, s. 397.

Age, elevator operators

400. No person under the age of eighteen years shall be allowed to operate an elevator, other than an automatically-controlled elevator. R.S.O. 1960, c. 241, s. 398, *amended*.

Travelling Cranes

Interpretation

401.—(1) In this section and in sections 530 and 531, "crane" means a crane that travels on fixed tracks and is operated from a cab mounted on the crane. *New*.

Warning devices

(2) Every crane shall be equipped with a whistle, bell, gong or horn that shall be sounded at such times as are necessary to give warning of the approach of the crane to places where men are working or are liable to pass. R.S.O. 1960, c. 241, s. 399 (1), *amended*.

Devices to prevent overwind

(3) Every crane shall be equipped with suitable devices to prevent overwinding. R.S.O. 1960, c. 241, s. 399 (2).

Daily examination of cranes

(4) The owner or manager shall depute some qualified person or persons to examine daily such parts of the crane or apparatus pertaining thereto upon the proper working of which the safety of persons depends. R.S.O. 1960, c. 241, s. 400 (1).

(5) A record of the examination and other regular maintenance examinations shall be kept, signed by the person making the examination, and such record shall be available to the engineer at all times. R.S.O. 1960, c. 241, s. 400 (2), *amended*. ^{Record available}

(6) No person, other than the operator, shall be permitted to ride on a crane or any part thereof or on any material carried by the crane, except for inspection, supervision, maintenance and repair, or the instruction of a new operator. R.S.O. 1960, c. 241, s. 401. ^{Riding prohibited}

(7) No person under the age of eighteen years shall be allowed to operate a power-driven crane controlled from a cab. R.S.O. 1960, c. 241, s. 402, *amended*. ^{Age, crane operators}

Protection from Machinery

402. Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates, shall be enclosed with a substantial railing or casing, unless situated in such a manner or location as to prevent a person from coming into accidental contact therewith. R.S.O. 1960, c. 241, s. 403. ^{Fly-wheel, geared-wheel, etc.}

403. Every key, bolt, set-screw, and every part of a wheel or other revolving machinery that projects unevenly from the surface, shall be covered, unless situated in such a manner or location as to prevent a person from coming into accidental contact therewith. R.S.O. 1960, c. 241, s. 404. ^{Uneven projections to be covered}

404.—(1) Every stationary power-driven grinding wheel shall be provided with a suitable hooded guard. R.S.O. 1960, c. 241, s. 405 (1), *amended*. ^{Grinding wheels to be guarded}

(2) Such guard shall be adjusted close to the wheel and extended forward, over the top of the wheel, to a point at least 30 degrees beyond a vertical line drawn through the centre of the wheel. R.S.O. 1960, c. 241, s. 405 (2). ^{Idem}

405. Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing. R.S.O. 1960, c. 241, s. 406. ^{Wearing loose clothing}

406. Every runway or staging more than five feet from the floor and used for oiling or other purposes shall be provided with a hand-railing. R.S.O. 1960, c. 241, s. 407. ^{Runway to have hand-railing}

407. Every entrance to an elevator, hatchway or well-hole shall be provided with a suitable trap-door, guard-rail or automatically-closing gate. R.S.O. 1960, c. 241, s. 408. ^{Protection of entrance}

Counter-weights

408. Every counterweight shall be so situated or guarded that injury to a person would not be probable should it become detached from its fastenings. R.S.O. 1960, c. 241, s. 409.

Track condition

409.—(1) Every switch in a track, either above or below ground, on which cars are moved by mechanical power shall have the frog and guard rail entrances provided with a guard block if its construction is not such that the hazard of a man's foot being caught in it is reduced to a minimum. R.S.O. 1960, c. 241, s. 410 (1), *amended*.

Maintenance of tracks

(2) All tracks shall be maintained in good working condition. R.S.O. 1960, c. 241, s. 410 (2).

Conveyors, belts

410.—(1) No person shall ride on a conveyor or belt, other than an escalator or man-lift approved by the chief engineer. R.S.O. 1960, c. 241, s. 411 (1).

Idem

(2) The following apply to installations of conveyor belts that exceed 100 feet in length:

1. There shall be an approved means for stopping the conveyor belt, available to any person along its course, by a device that is not capable of restarting the conveyor belt.
2. There shall be a suitable means of locking or tagging the control switch, or both, to prevent the conveyor belt from starting, and any control switch that is locked shall not be a push-button switch.
3. Where practicable, there shall be suitable warning before starting a conveyor belt to warn persons along its course.
4. Where conveyorways are used as regular travelways, suitable means shall be provided to protect persons from material that may fall from the belt.
5. All inclined conveyorways shall be equipped with a suitable walkway or travelway to allow access for maintenance purposes. R.S.O. 1960, c. 241, s. 411 (2), *amended*.

Clay, Sand and Gravel Pits, and Quarries

Undermining forbidden

411.—(1) In workings of clay, sand and gravel or other types of unconsolidated material, the method of removing material by undermining shall not be used.

(2) No working place shall have a vertical height of more ^{Idem} than ten feet, unless the material is at a suitable angle to ensure safety.

(3) Where the thickness of the material exceeds ten feet ^{Idem} in vertical depth, the work shall be done in terraces or at a suitable angle to ensure safety. R.S.O. 1960, c. 241, s. 412 (1-3).

(4) Where mechanical equipment is used in loading un-^{Mechanical equipment} consolidated material, unless the material is at a suitable angle of repose, no working place shall have a vertical height of more than five feet above the top of the boom or the bottom of the bucket raised to its highest operating position. R.S.O. 1960, c. 241, s. 412 (4), *amended*.

412. Unless permission in writing is first obtained from ^{Height of face} the chief engineer, all open-cut (cast) operations (workings) over sixty-five feet in depth shall be worked in benches not more than sixty-five feet high, and due precautions shall be taken to maintain the walls, benches and broken material in a safe working condition, and no working face shall be advanced by undercutting, except where a tunnelling method is used. R.S.O. 1960, c. 241, s. 413 (1), *amended*.

413. Every pit or quarry dangerous by reason of its depth ^{Fencing pits and quarries} shall be securely fenced or otherwise protected against inadvertent access. R.S.O. 1960, c. 241, s. 414, *amended*.

414.—(1) In all open-pit workings, all unconsolidated ^{Stripping overburden} materials, such as clay, earth, sand, gravel and loose rock lying within six feet of the rim of the pit or quarry, shall be removed. R.S.O. 1960, c. 241, s. 415 (1), *amended*.

(2) Beyond this strip, all overburden shall be sloped to an ^{Idem} angle less than its natural angle of repose. R.S.O. 1960, c. 241, s. 415 (2).

415. When dumping material from a vehicle to a stock-^{Precautions when dumping} pile, due precautions shall be taken to keep the vehicle at a safe distance from the edge. *New*.

416.—(1) Unless the adjoining owners agree to dispense ^{Party walls of pits and quarries} therewith, in sand, clay or gravel or other natural unconsolidated material, excavation operations shall not be carried on within a distance from the property boundary of half the height of the total pit face, and material that sloughs from within this distance shall not be removed in order to permit the formation of a natural slope.

- Excavation restriction** (2) Unless the adjoining owners agree to dispense therewith, no quarrying shall be carried on in a rock quarry within a distance of fifteen feet of the property boundary. R.S.O. 1960, c. 241, s. 416 (1, 2), *amended*.
- Idem** (3) Where there is overburden, the natural slope of the overburden shall be allowed for beyond this distance from the property boundary as required under section 414. R.S.O. 1960, c. 241, s. 416 (3).
- Examination of wall** 417.—(1) No person shall be permitted to work near the pit or quarry wall until the wall has been examined by the foreman in charge of the crew. R.S.O. 1960, c. 241, s. 417 (1), *amended*.
- Idem** (2) If the wall is found unsafe, the foreman shall have all hazards removed before permitting any other work. R.S.O. 1960, c. 241, s. 417 (2).
- Inspection of derrick guy wires** 418. Derrick guy wires shall be regularly inspected and maintained. R.S.O. 1960, c. 241, s. 418.
- Life lines** 419.—(1) It is the duty of each man engaged in work on the wall of the pit or quarry, at such operations as barring loose material, scaling and cleaning, to continually wear a life line. R.S.O. 1960, c. 241, s. 419 (1), *amended*.
- Snubbing, etc.** (2) The life line shall be securely snubbed above the working place and shall be under the supervision of a snubtender, or the line may be held taut by one or more fellow-workmen. R.S.O. 1960, c. 241, s. 419 (2).
- Hoisting of men prohibited** 420. No person shall be hoisted or allow himself to be hoisted or lowered by means of a hoist or derrick at a pit or quarry unless permission is first obtained in writing from the chief engineer. R.S.O. 1960, c. 241, s. 420.
- Signalman to clear area** 421. Where a load is being hoisted or lowered by means of a hoist or derrick at a pit or quarry, the signalman shall notify all persons in the vicinity to retire to a place of safety until the load has cleared the danger zone. R.S.O. 1960, c. 241, s. 421.
- Derail at top of incline** 422.—(1) An effective block, automatic derail or safety switch shall be provided at the top of each inclined place to prevent cars accidentally running down.
- Exception** (2) Such installation, however, is not required where the skip or car remains on the hoisting cable. R.S.O. 1960, c. 241, s. 422.

423. At all rock quarries, a record of each primary blast, ^{Record of primary blasts} signed by the person in charge of the blast, shall be kept and the following information recorded:

1. Date, time and location of the blast.
2. Burden, spacing, depth and number of holes blasted.
3. Weight of explosive, footage of top stemming and firing delays used in respect of each hole.
4. Weight of explosives used per estimated ton broken.
R.S.O. 1960, c. 241, s. 423.

424. Unless the movement of the hoisting conveyance is ^{Hoisting signals} visible to the hoistman at all times, a suitable signal system shall be installed and maintained, and suitable signals, approved by an engineer, shall be used. R.S.O. 1960, c. 241, s. 424.

425.—(1) At every pit or quarry, there shall be provided and ^{Travelling ways} maintained in good condition a suitable travelling way leading from the working level of the pit or quarry to the surface. R.S.O. 1960, c. 241, s. 425 (1), *amended*.

(2) Where the travelling way is inclined at more than ^{Idem} 30 degrees and less than 50 degrees to the horizontal, stairways or ladders shall be provided.

(3) All stairways shall be equipped with substantial and ^{Idem} suitably-placed hand-rails.

(4) Where the travelling way is inclined at more than ^{Idem} 50 degrees to the horizontal, ladders shall be used.

(5) Substantial platforms shall be built at intervals not ^{Idem} exceeding twenty-one feet in the ladderway and at all places where the ladders are off-set. R.S.O. 1960, c. 241, s. 425 (2-5).

(6) Except for approved access ladders to equipment, no ^{Idem} ladder shall be installed at an inclination of more than 70 degrees to the horizontal. R.S.O. 1960, c. 241, s. 425 (6), *amended*.

426. Adequate lighting, safe footing and sufficient room ^{Safe working conditions about machinery} shall be provided for all workmen who are required to work near or about machinery. R.S.O. 1960, c. 241, s. 426.

Crushing Plants, Mills and Metallurgical Works

Antidotes
and washes

427.—(1) At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced, there shall be kept in a conspicuous place, as near the compounds, solutions or gases as is practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases.

Idem

(2) Such antidotes and washes shall be properly labelled and explicit directions for their use affixed to the boxes containing them. R.S.O. 1960, c. 241, s. 427.

Storage,
production,
etc., of acids,
poisons

428. Due provision shall be made at all plants, where acids or poisonous compounds are produced, transferred, used or stored, to reduce to a minimum the hazard of handling or storing such materials. R.S.O. 1960, c. 241, s. 430, *amended*.

Removal
of dust

429. In every mill or plant where, by reason of dry crushing or otherwise, there is in the air of the building dust in quantity to be injurious to health, suitable apparatus shall be installed for its removal. R.S.O. 1960, c. 241, s. 428.

Poisonous
vapours

430.—(1) In every mill or plant where poisonous vapours or gases exist or may be formed, suitable means shall be adopted to provide such ventilation as will prevent the formation of dangerous concentrations of the same. R.S.O. 1960, c. 241, s. 429.

Precaution
when
entering
tank

(2) No person shall enter or be permitted to enter a tank until due precautions have been taken to ensure that the atmosphere is safe. *New*.

Transfer of
liquids by
compressed
air

431. The transfer of liquids from one location or container to another location or container by the application of air under pressure shall not be permitted, except where properly-designed and tested equipment is used for this purpose. R.S.O. 1960, c. 241, s. 431.

Life lines,
for work
in bins

432.—(1) No person shall enter or be allowed to enter a storage bin from which material is drawn off at the bottom while material is stored therein, unless a second person is in constant attendance and suitable precautions are taken against the danger of caving material.

to be
provided
and worn

(2) The owner or manager shall, when necessary, provide life lines for the workmen, and it is the duty of the workmen to continually wear such life lines when, by so doing, the interests of safety are advanced. R.S.O. 1960, c. 241, s. 432.

433. Where in the opinion of the engineer the use of ^{Bin platforms} working platforms in or at bins is advisable, they shall be provided, used and maintained in a safe working condition. R.S.O. 1960, c. 241, s. 433.

434.—(1) Guard-rails shall be placed at the approach to ^{Guard-rails at track approaches} tracks on surface, where mechanical haulage is used and where the view of the tracks is obstructed in one or both directions.

(2) Where restricted clearances make the use of guard-rails ^{When impractical} impractical in the opinion of an engineer, he may permit such guard-rails to be omitted but shall require that there be installed at the track approaches a suitable type of warning signal that will automatically give adequate, audible and visible warning at all times of the approach of the conveyance, or that a switchman shall walk ahead of the leading conveyance on the track when the conveyance is in dangerous proximity to the area requiring guarding and stand guard at such approaches. R.S.O. 1960, c. 241, s. 434.

435.—(1) Workmen employed at metallurgical works shall be supplied with suitable shields and appliances to protect ^{Shields for protection against burning} them as far as possible against being burned with molten metal or other material.

(2) It is the duty of all workmen to use such shields and ^{Use} appliances. R.S.O. 1960, c. 241, s. 435.

436. Before any person or persons are allowed to work on ^{Inspection of stock pile} stock piles of ore, limestone, coke or other material, the stock piles shall be inspected by some authorized person whose duty it is to see that they are in a safe working condition. R.S.O. 1960, c. 241, s. 436.

437. Each scale car shall be provided with an audible ^{Scale cars} warning alarm that shall be sounded by the operator each time a car is started, or each car shall be equipped with an automatic mechanical warning alarm that will sound when the car is moved. R.S.O. 1960, c. 241, s. 437.

438.—(1) Every ladle or slag pot shall be examined before ^{Examination of moulds, etc.} molten material is placed therein.

(2) Every effort shall be made to prevent molten material ^{Idem} from coming into accidental contact with cold, damp or rusty surfaces where such contact may cause an explosion. R.S.O. 1960, c. 241, s. 438.

439.—(1) When molten material is transported by me- ^{Filling of moulds, etc.} chanical means in ladles or slag pots and the safety of persons

may be endangered from splashing, every effort shall be made to ensure that the ladles or slag pots are not filled above a point four inches below the top of the vessel.

Idem

(2) If this limit is exceeded, the ladle or slag pot shall not be moved until the foreman or other responsible person has warned the workmen required to handle the ladle or slag pot of this condition and has warned all persons in the vicinity. R.S.O. 1960, c. 241, s. 439.

Side
clearance,
haulage

440. Where mechanical haulage is used on surface and the clearance between the sides of conveyances on parallel tracks or between the sides of conveyances and the side of a building or other structure is less than eighteen inches, the location shall be plainly marked showing the danger. R.S.O. 1960, c. 241, s. 440.

Overhead
clearance

441. At the approach to an overhead bridge, pipe line or a similar structure on a standard-gauge railway track and the clearance is less than six feet between the top of a railway car and the underside of the structure, a "low bridge" warning device shall be installed. R.S.O. 1960, c. 241, s. 441.

Life lines

442. Life lines and belts in good order shall be provided and kept in a secure and readily accessible place for immediate use in case it becomes necessary to rescue a workman from the top rigging, and also for use by a workman whose duties require him to work in an atmosphere that is liable to become dangerous by reason of the presence of noxious gases. R.S.O. 1960, c. 241, s. 442.

Blast furnaces

Ventilation

443. At all furnaces of the hand-filled type, the room at the furnace top, where workmen are engaged, shall be adequately ventilated. R.S.O. 1960, c. 241, s. 443, *amended*.

Protecting
workmen

444. Whenever it becomes necessary for a workman to go above the casting floor, he shall notify the foreman or other responsible person, who shall see that there is always a workman in attendance whose duty it is to remain outside the gaseous area and act as a watcher and give the alarm to the casthouse or stockhouse and render every possible assistance in case of gassing or other danger. R.S.O. 1960, c. 241, s. 444.

Protection
from bustle
pipes

445.—(1) All bustle pipes shall be provided with safe working platforms equipped with hand-rails at least three feet six inches in height and, wherever practicable, the platform shall not rest directly on the bustle pipe, but shall be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a workman falling on it.

(2) Access to the platform shall be by a stairway provided ^{Idem} with hand-rails. R.S.O. 1960, c. 241, s. 445.

446. A suitable line of communication by telephone, gong, ^{Line of communication} or other mechanical means, shall be maintained between the furnace top, and all other dangerous places, to the casthouse, skip operator's room or other place where workmen are continuously on duty. R.S.O. 1960, c. 241, s. 446, *amended*.

447. A suitable ladderway or stairway shall be provided ^{Stairways and ladderways} from the foundation to the top of the furnace. R.S.O. 1960, c. 241, s. 447.

448. Unless an approved type of elevator is provided as a ^{Stairways protected} means of travel to the furnace top, stairways shall be installed at an angle not greater than 50 degrees from the horizontal and shall be provided with landings or turnouts at intervals of not more than twenty-five feet, measured on the slope, so that it will not be possible for a workman to fall from the top to the foundation below. R.S.O. 1960, c. 241, s. 448.

449.—(1) Every foreman shall personally supervise or ^{Supervision of hazardous work} appoint a competent person to supervise any work around the furnace involving unusual accident hazard, such as work in gas mains or cleaners, tearing out linings, work in the cast-house, about the stoves when blowing in or blowing out, and any work about the bells or stock line. R.S.O. 1960, c. 241, s. 449 (1), *amended*.

(2) He shall also, when the furnace is known to be hanging ^{Idem} and liable to slip, see that no workman is allowed on top for any purpose. R.S.O. 1960, c. 241, s. 449 (2).

450. When ore becomes frozen or jammed in the furnace ^{Protection around bell} hopper or bell and workmen are required to bar the ore into the furnace, a suitable guard-rail shall be provided to prevent workmen slipping on to the bell. R.S.O. 1960, c. 241, s. 450.

451.—(1) There shall be maintained in readily accessible ^{Rescue apparatus} places at all metallurgical plants, where the atmosphere may contain dangerous concentrations of poisonous gases or vapours, detection equipment, breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of material for the proper operation of the apparatus. R.S.O. 1960, c. 241, s. 451 (1), *amended*.

(2) There shall also be on duty in each working shift one ^{Trained personnel} or more persons appointed by the superintendent and trained in the use of breathing and resuscitating apparatus. R.S.O. 1960, c. 241, s. 451 (2).

Steam, Compressed Air

Steam
boilers

452.—(1) Every steam boiler used for generating steam in or about a mine, whether separate or one of a range,

(a) shall have attached to it a proper safety-valve, and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler; and

(b) shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the chief engineer.

Certificate
posted

(2) The certificate of inspection shall be kept posted in the boiler room at all times. R.S.O. 1960, c. 241, s. 452.

Maintenance

453. Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition. R.S.O. 1960, c. 241, s. 453.

Air receivers
and com-
pressors

454.—(1) Every air receiver installed at the surface of a mine and those installed with an air compressor underground shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the chief engineer.

Certificate
posted

(2) The certificate of inspection shall be kept posted in the compressor room at all times.

Examination
and main-
tenance

(3) All intercoolers, aftercoolers, inlet and discharge valves on stationary compressors in operation shall be examined at least once in every twelve months and shall be cleaned when necessary.

Tempera-
ture-indic-
ating device

(4) A temperature-indicating device shall be installed on the high pressure discharge of each compressor.

Idem

(5) The normal operating temperature shall be indicated by a red mark on the scale.

Idem

(6) The temperature shall be recorded at least once a shift.

Exception

(7) Subsections 3 to 6 do not apply to portable compressors, compressors discharging to atmosphere, stationary compressors of less than 300 c.f.m. capacity, banks of compressors with a total capacity of less than 300 c.f.m. discharging to a common receiver, or compressors where the cylinders are not lubricated with oil.

(8) The air receivers mentioned in subsection 1 shall be examined at least once in every twelve months and shall be cleaned when necessary. ^{Examination of air receivers}

(9) A book shall be kept in which shall be recorded the date of every examination and cleaning under subsections 3 and 8 and a note shall be made as to the condition of the appliance examined or cleaned. R.S.O. 1960, c. 241, s. 454. ^{Record of examinations}

PROVISIONS GOVERNING THE USE OF ELECTRICITY

455. In this section and in sections 456 to 594,

^{Interpre-}
^{tation}

1. "accessible", as applied to equipment, means permitting close approach because not guarded by locked doors, elevation or other effective means;
2. "armoured cable" means a cable provided with an outer covering, fabricated from a metal other than lead, which forms an integral part of the assembly of the cable and is designed primarily to afford mechanical protection;
3. "authorized person" means,
 - (a) a qualified person who, because of his duties or occupation, is delegated to approach or handle electrical equipment,
 - (b) any other person who, having been warned of the hazards involved, has been instructed or authorized to approach or handle electrical equipment by some person having authority to give the instructions or authorization;
4. "branch circuit" means the part of a circuit that extends beyond the final over-current devices on the circuit;
5. "circuit" means a path through which electric current can flow;
6. "circuit-breaker" means an electro-mechanical device designed to open, under both overload and short-circuit conditions, a current-carrying circuit without injury to the device;
7. "conductor" means a body so constructed from conducting material that it may be used as a carrier of electric current;

8. "contactor" means a device, operated other than by hand, for repeatedly establishing and interrupting an electric power circuit;
9. "disconnecting means" means a device, group of devices or other means whereby the conductors of a circuit can be disconnected from their source of supply;
10. "electrical equipment" means any apparatus, appliance, device, instrument, fitting, fixture, machinery, material or thing used in or for, or capable of being used in or for, the generation, transformation, transmission, distribution, supply or utilization of electric power or energy, and, without restricting the generality of the foregoing, includes any assemblage or combination of materials or things which is used, or is capable of being used or adapted, to serve or perform any particular purpose or function when connected to an electrical installation, notwithstanding that any such materials or things may be mechanical, metallic or non-electric in origin;
11. "feeder" means a conductor, or group of conductors, which transmits electrical energy from a service supply, transformer, switchboard, distribution centre, generator or other source of supply to branch circuit overcurrent devices;
12. "ground" means a connection to earth obtained by a ground electrode;
13. "ground electrode" means a buried metallic water-piping system or metal object or device buried in or driven into the ground so as to make intimate contact therewith and to which a grounding conductor is electrically and mechanically connected;
14. "grounded" means connected effectively with the general mass of the earth through a grounding system having a current-carrying capacity sufficient at all times, under the most severe conditions that are liable to arise in practice, to prevent a current in the grounding conductor from causing a harmful voltage to exist,
 - (a) between the grounded conductors and neighbouring exposed conducting surfaces that are in good contact with the earth, or
 - (b) between the grounded conductors and neighbouring surfaces of the earth itself;

15. "grounding conductor" means a path of suitable metal specially arranged as a means whereby electrical equipment is electrically connected to a ground electrode;
16. "grounding system" means all conductors, clamps, ground clips, ground plates or pipes and ground electrodes by means of which the electrical installation is grounded;
17. "guarded" means covered, shielded, fenced, enclosed or otherwise protected by means of suitable covers, or casings, barriers, rails or screens, mats or platforms, to remove the likelihood of dangerous contact or approach by persons or objects;
18. "isolating means" means a device, group of devices or other means intended for isolating an electric circuit from its source of power and intended to be operated only after the circuit has been opened by some other means;
19. "mobile", as applied to electrical equipment, means the equipment is specifically designed not to be used in a fixed position;
20. "overcurrent device" means any device capable of automatically opening an electrical circuit both under pre-determined overload and short-circuit conditions either by fusing of metal or by electro-mechanical means;
21. "overload device" means a device affording protection from excess current but not necessarily short-circuit protection, and capable of automatically opening an electric circuit either by the fusing of metal or by electro-mechanical means;
22. "qualified person" means a person familiar with the construction and operation of electrical equipment and the hazards involved;
23. "switch" means a device for making, breaking or changing connections in a circuit, and
 - (a) "general use switch" means a switch that is intended for use in general distribution and branch circuits, is rated in amperes and is capable of interrupting its rated current at rated voltage, and

- (b) "motor circuit switch" means a switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower at the rated voltage;
24. "switchboard" means a panel or assembly of panels on which are mounted any combination of switching, measuring, control and protective devices, buses and connections, designed with a view to successfully carrying and rupturing the maximum fault current encountered when controlling incoming and outgoing feeders;
25. "utilization equipment" means equipment, devices and connected wiring that utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of the supply equipment, supply lines or communication lines;
26. "visible break", where applied to a disconnecting means, means a switch or device wherein the separation between all members of the movable and the fixed current-carrying parts may be readily determined by visual inspection;
27. "voltage" or "volts" means the highest effective difference of potential between the conductors of the circuit concerned;
28. "voltage to ground" means,
- (a) in grounded circuits, the highest effective difference of potential between any wire of the circuit and ground,
- (b) in ungrounded circuits, the highest effective difference of potential existing in the circuit;
29. "wire gauge" means the standard known as A.W.G. (American Wire Gauge) or B. & S. (Brown and Sharpe) wire gauge. R.S.O. 1960, c. 241, s. 455, *amended*.

GENERAL

Disconnection when mine abandoned

456. In case of the abandonment of a mine, the owner, manager or superintendent shall cause such station or stations supplying power to and being the property of the mine to be disconnected from the power source and within fourteen days

shall notify the chief engineer in writing that the disconnection has been made. R.S.O. 1960, c. 241, s. 517.

457. Electrical equipment shall be designed, installed and maintained in compliance with the requirements of this Act. R.S.O. 1960, c. 241, s. 461, *amended*. ^{General}

458. The current edition of the Canadian Electrical Code, Part I, shall be accepted as good practice in the installation of electrical equipment except where it may conflict with the sections herein set forth. R.S.O. 1960, c. 241, s. 457, *amended*. ^{Accepted standard}

459. All electrical equipment shall be of such construction and so installed and maintained as to reduce life and fire hazard as far as practicable. R.S.O. 1960, c. 241, s. 458. ^{Hazard free}

460. All electrical equipment shall be suitably identified where necessary for safety. R.S.O. 1960, c. 241, s. 459. ^{Identification of equipment}

461. Electrical equipment shall show a plate bearing the maker's name and all other ratings, such as horsepower, voltage or current, necessary to prove its suitability. R.S.O. 1960, c. 241, s. 460, *amended*. ^{Nameplate required}

462.—(1) Where electrical apparatus is used at a mine, it shall be in charge of an authorized person who shall be qualified by experience to handle such apparatus. ^{Competent person in charge}

(2) Every person operating or having charge of electrical apparatus shall have been instructed in his duty and shall be competent to perform the work that he is set to do. ^{Idem}

(3) Repairs, extensions and changes to existing electrical installations shall be made only by qualified persons. R.S.O. 1960, c. 241, s. 456. ^{Idem}

463. Temporary wiring and equipment that is not in compliance with this Act may be used in an emergency, but only when under competent supervision or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons, and such temporary installations are permissible only for the period of the emergency. R.S.O. 1960, c. 241, s. 464. ^{Temporary installations}

464.—(1) Defective equipment shall be put in good order or permanently disconnected. ^{Defective equipment}

(2) Defective wiring shall be repaired or removed. R.S.O. 1960, c. 241, s. 462. ^{Defective wiring}

Work on
live
equipment

465.—(1) No repairs or alterations shall be carried out on any live equipment exceeding 300 volts to ground, except where complete disconnection of the equipment is not practicable.

Idem

(2) If the adjustment or repairs must be made while the equipment is alive, all necessary precautions shall be taken to ensure that the work may be done safely.

Idem

(3) In places where explosive or highly-flammable materials or gases are present, repair or alteration shall not be made on any live equipment. R.S.O. 1960, c. 241, s. 466.

Locking or
tagging
switches

466.—(1) All switches controlling apparatus shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus.

Idem

(2) Notices placed on electrical equipment shall be of non-conducting materials. R.S.O. 1960, c. 241, s. 463.

Fire-
extinguishing
appliances

467.—(1) Where installed electrical apparatus presents a fire hazard, each room or space shall be provided with an adequate approved fire-extinguishing appliance, conveniently located and conspicuously marked. R.S.O. 1960, c. 241, s. 465 (1).

Idem

(2) Any fire-extinguishing appliance that has not been approved for use on live parts shall not be placed in a room containing electrical apparatus or exposed lines unless a sign is mounted at the appliance warning against its use on electrical fires. R.S.O. 1960, c. 241, s. 465 (2), *amended*.

GROUNDING

Protection
from
mechanical
injury

468. Grounding conductors shall have adequate protection where exposed to mechanical injury. R.S.O. 1960, c. 241, s. 471.

Circuits to
be grounded

469.—(1) One conductor of all circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having a primary voltage exceeding 750 volts, except where such circuits form part of a control circuit or signalling system the grounding of which would affect the reliability of service.

Idem

(2) Three-wire single-phase circuits not exceeding 300 volts between outer conductors shall have the neutral grounded.

Idem

(3) One conductor of the secondary circuits of all instrument transformers shall be grounded unless the circuits are

installed and guarded as required for the high-voltage circuits of the transformers. R.S.O. 1960, c. 241, s. 472.

470.—(1) For grounding A.C. circuits, the grounding conductors shall have adequate current-carrying capacity and shall be not less than No. 8, A.W.G. R.S.O. 1960, c. 241, s. 473 (1), *amended*. Size of circuit grounding conductor

(2) The grounding conductor for secondary circuits of instrument transformers shall not be smaller than the conductors of the secondary circuit. R.S.O. 1960, c. 241, s. 473 (2). Idem

471.—(1) The exposed non-current-carrying metal parts of all electrical equipment shall be grounded when practicable, Equipment to be grounded

(a) for all equipment over 150 volts; and

(b) for all equipment under 150 volts where the exposed non-current-carrying metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls.

(2) Grounded surfaces within five feet horizontally of the parts considered or within eight feet vertically of the floor shall be considered within reach. R.S.O. 1960, c. 241, s. 474. Idem

472.—(1) The minimum size of grounding conductor for raceways and fixed equipment shall be not less than that provided by a copper conductor of a size indicated in the following table: Size of equipment grounding conductor

MINIMUM SIZE OF GROUNDING CONDUCTOR FOR RACEWAYS AND EQUIPMENT

Rating or Setting of Automatic Overcurrent Device in Circuit Ahead of Equipment, Conduit, etc., Not Exceeding—Amperes	Size of Grounding Conductor			
	Copper Wire AWG	Alum. Wire AWG	Conduit or Pipe Inch	Electrical Metallic Tubing Inch
20	16*	14*	1/2	1/2
30	14	12	1/2	1/2
40	12	10	1/2	1/2
60	10	8	1/2	1/2
100	8	6	1/2	1/2
200	6	4	1/2	1
400	4	2	3/4	1 1/4
600	2	0	3/4	1 1/4
800	0	00	1	2
1000	00	000	1	2
1200	000	0000	1	2

*Permissible only when part of an approved cable assembly.

Idem

(2) Where the grounding conductor is run outside the cable armour or conduit enclosing the associated circuit conductors, the minimum size of such a grounding conductor shall be No. 8, A.W.G. R.S.O. 1960, c. 241, s. 475, *amended*.

Grounding
conductor
size for
portable
equipment

473. Flexible cord used to supply portable equipment having a rating of fifteen amperes or less at voltages not exceeding 250 volts shall have included in the cord assembly a grounding conductor whose size shall be,

(a) not smaller than No. 16, A.W.G. if uninsulated, or No. 18, A.W.G. if insulated; and

(b) at least the same size as the current-carrying conductors, except that, in cords of No. 12, A.W.G. and larger, it may be two A.W.G. sizes smaller than the other conductors. R.S.O. 1960, c. 241, s. 476, *amended*.

Means of
attachment
to circuits
and
equipment

474. The grounding conductor, bond or bonding jumper shall be attached to circuits, conduits, cabinets, equipment and the like, which are to be grounded, by means of suitable lugs, pressure connectors, clamps or other approved means. R.S.O. 1960, c. 241, s. 477, *amended*.

Material
for
grounding
conductors

475. The grounding conductor shall be of copper or other metal that will not corrode excessively under the existing conditions. R.S.O. 1960, c. 241, s. 478, *amended*.

Piping
system
used as
ground

476.—(1) Ground connections to metallic water or air systems shall be made beyond any point liable to disconnection.

Idem

(2) Main water or air lines shall be substantially bonded together for this purpose, but shall, unless connected to a buried piping system of considerable extent that will provide a low-resistance ground, be connected to an artificial ground electrode. R.S.O. 1960, c. 241, s. 479, *amended*.

Means of
attachment
to ground
electrode

477. The grounding conductor shall be connected to the grounding electrode by means of substantial ground clamp or other equivalent means. R.S.O. 1960, c. 241, s. 480 (1).

Artificial
electrodes

478.—(1) Artificial ground electrodes shall consist of driven pipes, rods, buried plates or other devices acceptable for the purpose.

Idem

(2) Electrodes of iron or steel pipe shall be not less than $\frac{3}{4}$ -inch internal diameter and shall be galvanized.

(3) Rod electrodes shall be not less than $\frac{5}{8}$ -inch in diameter ^{Idem} if of iron or steel or $\frac{1}{2}$ -inch in diameter if of non-ferrous metal. R.S.O. 1960, c. 241, s. 481, *amended*.

479. The grounding system shall be connected to the body ^{Resistance of electrodes} of the earth, on the surface, through the lowest resistance earth-contact possible. R.S.O. 1960, c. 241, s. 482.

480. The earth-contact of the main grounding system and supplementary earth-contacts shall be provided with means to facilitate measurement of earth-contact resistances. R.S.O. 1960, c. 241, s. 483.

WIRING METHODS

481. Conductors shall be suitable for the location, use and ^{Types of conductors} voltage of the circuit and shall have sufficient current-carrying capacity for the current they are required to carry. R.S.O. 1960, c. 241, s. 467 (1).

482. Portable conductors supplying mobile equipment ^{Portable power} operating at more than 300 volts shall conform with the ^{conductors} following specifications:

1. The cable shall have a voltage rating not less than 50 per cent higher than the normal operating voltage of the circuit.
2. Cable of standard rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit where the neutral point is grounded in such a manner as to,
 - (a) limit fault current; and
 - (b) limit the possible rise of fault potential on any connected equipment to a maximum of 100 volts,

and where ground fault protection is provided.

3. All conductors including grounding conductors shall be contained in one flexible, jacketed cable assembly.
4. Where the cable contains both the power circuit and its remote control circuit, each circuit conductor shall be insulated, as required by paragraphs 1 and 2, for the highest potential employed in the cable, except that, where sheathing, as in paragraph 10, is provided, the control conductors need only be insulated for their normal operating voltage.

5. The minimum size of the power conductors shall be No. 12, A.W.G.
6. The cable shall contain as many grounding conductors as power conductors and the grounding conductors shall be located in the outer interstices between the power conductors.
7. Remote control conductors contained in the cable need not be considered power conductors in determining the number of grounding conductors.
8. The grounding conductors contained in the cable shall be uninsulated and shall have a total conductance of not less than 60 per cent of the largest power conductor.
9. The minimum size of each grounding conductor shall be not less than No. 12, A.W.G.
10. Cables on circuits operating over 750 volts shall have a grounded sheathing, consisting of tinned copper wire mesh, or the equivalent, around each power conductor, and this sheathing shall be, throughout the length of the cable, in contact with the interstitial grounding conductors.
11. Where connectors are used to attach cables to mobile equipment, the cable shall be secured in such a manner as to prevent mechanical damage.
12. Portable cable used to supply equipment in underground workings shall have an outer jacket of a material that will not support combustion and shall be continuously identified as having such a jacket. R.S.O. 1960, c. 241, s. 470, *amended*.

Guarding of
live parts

483. All exposed current-carrying parts of electrical equipment, such as bus-bars, conductors and terminals, operating at over 150 volts, shall be,

- (a) armoured;
- (b) enclosed in a suitable raceway; or
- (c) isolated by elevation or guarded. *New.*

A.C. circuits
in raceways

484. All conductors of an A.C. circuit shall be contained in the same raceway. R.S.O. 1960, c. 241, s. 467 (3), *amended*.

485. Where conductors of different systems are installed in the same raceway or armouring, each conductor shall be insulated for the highest potential employed or, in the case of a raceway, separated by a suitable barrier. *New.* Conductors of different systems in raceways or armouring

486. Conductors of different systems shall not be installed in the same box, cabinet or auxiliary gutter unless effectively separated by barriers. R.S.O. 1960, c. 241, s. 491, *amended.* Conductors of different systems in enclosures

487. Identifying barriers shall be provided between circuits where more than one set of disconnecting switches are installed adjacent to each other. R.S.O. 1960, c. 241, s. 494, *amended.* Barriers

488. Metal-covered, insulated conductors in conduit, where joined to transformers, motors, switchgear and other apparatus, shall have their metal coverings secured to such apparatus by clamps, locknuts or other devices to protect the insulated conductors from mechanical injury. R.S.O. 1960, c. 241, s. 469. Connections to apparatus

PROTECTION AND CONTROL

489.—(1) The type and rating of protective and control devices shall be suitable for their use. *New.* Type and rating of protective and control devices

(2) All protective and control devices installed outdoors shall be of a design suitable for their location. R.S.O. 1960, c. 241, s. 502, *amended.* Idem

490.—(1) Each ungrounded conductor shall be protected by an overcurrent device at the point where it receives its supply of current and at each point where the size of the conductor is decreased, except that such protection may be omitted, Overcurrent devices required

- (a) where the branch circuit is not more than twenty-five feet in length;
- (b) where the protection for a larger conductor adequately protects a smaller; and
- (c) where the opening of the circuit may cause special hazard by the interruption of service or removal of protection. R.S.O. 1960, c. 241, s. 495 (1, 4), *amended.*

(2) Such conductors shall also be protected against over-current, and the rating or setting of the protective device shall not exceed the allowable current-carrying capacity of Idem

the circuit conductors except in the case of branch motor circuits where the rating or setting of the device may be increased sufficiently to take care of motor-starting currents.

Idem (3) Unless the opening of the device disconnects all circuit conductors at the same time, no manually-operated or automatically-operated disconnecting device shall be placed in a neutral or grounded conductor. R.S.O. 1960, c. 241, s. 495 (2, 3).

Enclosure of over-current devices 491. Overcurrent devices shall be enclosed in cut-out boxes or cabinets unless they form a part of an approved assembly that affords equivalent protection or unless mounted on switchboards, panel-boards, or controllers located in rooms or enclosures free from easily ignitable material and dampness, and accessible only to authorized persons. R.S.O. 1960, c. 241, s. 497, *amended*.

General 492.—(1) Suitable control devices shall be inserted in all feeders and branch circuits. R.S.O. 1960, c. 241, s. 484 (1).

Idem (2) All control devices shall be readily and safely accessible to authorized persons and shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them and shall indicate whether they are open or closed. R.S.O. 1960, c. 241, s. 503 (1), *amended*.

Rating of control devices 493.—(1) Control devices shall have ratings suitable for the connected load of the circuits they control and, with the exception of isolating switches, shall be capable of interrupting such loads. R.S.O. 1960, c. 241, s. 486 (1), *amended*.

Grouping of control devices (2) Control devices shall be grouped where practicable. R.S.O. 1960, c. 241, s. 484 (3), *amended*.

Location of control devices (3) All control devices shall be so arranged that the operating mechanisms are readily accessible to the operator. R.S.O. 1960, c. 241, s. 524.

Enclosure of control devices 494.—(1) Control devices, unless they are located or guarded so as to render them inaccessible to unauthorized persons and to prevent fire hazards, shall have all current-carrying parts in enclosures of metal or other fire-resisting material. R.S.O. 1960, c. 241, s. 490, *amended*.

Idem (2) Manually-operable control devices shall be so constructed that they may be switched to the "off" position without exposing live parts.

(3) Manually-operable control devices shall clearly indicate the "on" and "off" positions. R.S.O. 1960, c. 241, s. 487 (1), *amended*. Idem

495. Control devices shall, if practicable, be so connected that the blades or moving contacts will be dead when the device is in the open position. R.S.O. 1960, c. 241, s. 485. Connection of control devices

496. Control devices used in combination with overcurrent devices or overload devices for the control of circuits or apparatus shall be connected so that the overcurrent or overload devices will be dead when the control device is in the open position. R.S.O. 1960, c. 241, s. 489, *amended*. Control devices ahead of overcurrent devices

497.—(1) Disconnecting means of the visible-break type shall be installed on all circuits operating at over 300 volts to ground and shall be as near as practicable to the point of supply. R.S.O. 1960, c. 241, s. 493 (2), *amended*. Visible break requirement

(2) Unless a control device on circuits over 300 volts makes a visible break, there shall be installed between the control device and its point of supply a suitable disconnecting switch. R.S.O. 1960, c. 241, s. 493 (1). Idem

498.—(1) On each ungrounded utilization system over 300 volts, at least one suitable device shall be installed and maintained for the purpose of indicating ground faults. Ground fault detector requirement

(2) Such device shall be provided with, Idem

(a) short-circuit protection; and

(b) disconnecting means.

(3) If the short-circuit device does not provide for visible-break isolation, additional visible-break isolating means shall be provided. Idem

(4) When a ground fault is indicated, it shall be located and removed as soon as practicable. R.S.O. 1960, c. 241, s. 500, *amended*. Idem

499. Adequate illumination shall be provided to allow for proper operation of electrical equipment. R.S.O. 1960, c. 241, *amended*. Illumination of equipment

500. Where electrical equipment requires an attendant, there shall be provided a separate emergency source of illumination from an independent generator, storage battery or other suitable source. R.S.O. 1960, c. 241, s. 522, *amended*. Emergency illumination of equipment

INSTALLATION OF EQUIPMENT

Working
space

501. Adequate clear working space with secure footing shall be provided about all electrical equipment. R.S.O. 1960, c. 241, s. 507, *amended*.

Transformers

General

502. Transformers shall be of a type and design suitable for the location in which they are to be installed. R.S.O. 1960, c. 241, s. 531 (1).

Nameplate
required
for
transformers

503. Each transformer shall be provided with a nameplate bearing the following markings:

1. Maker's name.
2. Rating in kva.
3. Rated full load temperature rise.
4. Primary and secondary voltage ratings.
5. Frequency in cycles per second.
6. Liquid capacity, if of the liquid-filled type.
7. Type of liquid to be used, if it is to be filled with an approved liquid that will not burn in air. R.S.O. 1960, c. 241, s. 531 (2, 3), *amended*.

Isolation
and guard-
ing of
transformers

504. Transformers having a voltage rating in excess of 750 volts and all transformers having exposed terminals, including their conductors and control and protective devices, shall be accessible only to authorized persons and, unless isolated by elevation, they shall be surrounded by an enclosure that, if of metal, shall be grounded, and suitable warning signs indicating the highest potential employed shall be conspicuously posted. R.S.O. 1960, c. 241, s. 532, *amended*.

Special
transformers

505.—(1) Dry-core type transformers with Class A insulation, if installed within a building not of fire-resisting construction, shall be in a fire-resisting enclosure.

Idem

(2) Transformers containing an approved liquid that will not burn in air and transformers of the dry-core type with Class B or Class C insulation may be installed within or attached to the wall of a building not of fire-resisting construction, if they are surrounded by a suitable enclosure to prevent mechanical injury and access by unauthorized persons. R.S.O. 1960, c. 241, s. 533.

506.—(1) Oil-filled transformers installed outdoors shall be located not less than fifty feet distant from the shafthouse or any combustible building attached thereto, and means shall be provided to contain escaping oil or to direct the flow away from such buildings. ^{Oil-filled transformers}

(2) Oil-filled transformers shall not be mounted on or above combustible roofs and, if attached to the exterior of a building other than a transformer-house, shall be placed only against non-combustible walls and away from all openings. ^{Idem}
R.S.O. 1960, c. 241, s. 534 (1, 2).

(3) Transformer buildings containing oil-filled transformers, if not entirely of fire-resisting construction, shall be located at least fifty feet distant from any other combustible building. ^{Idem}
R.S.O. 1960, c. 241, s. 535, *amended*.

(4) Oil-filled transformers, if within a building other than a transformer-house, shall be in a vault. ^{Idem}
R.S.O. 1960, c. 241, s. 534 (3), *amended*.

(5) Transformers having their cores immersed in a liquid that will not burn in air may be installed without a vault if, ^{Idem}

- (a) the transformer is protected from mechanical damage either by location or guarding;
- (b) a pressure relief vent is provided where the rating exceeds 25 kva at 25 cycles or $37\frac{1}{2}$ kva at 60 cycles; and
- (c) a means of absorbing gases generated by arcing inside the case, or a pressure relief vent connected to outdoors, is provided where the transformer is installed in a poorly-ventilated section. *New*.

507.—(1) When primaries are above 750 volts, secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact with persons, shall be in permanently-grounded conduit or armour. ^{Instrument transformers}
R.S.O. 1960, c. 241, s. 539, *amended*.

(2) Secondary circuits of current transformers shall be provided with means for short-circuiting them that can be readily connected while the primary is energized and that are so arranged as to permit the removal of any instrument or other device from the circuits without opening the circuits. ^{Idem}
R.S.O. 1960, c. 241, s. 538.

508. Each transformer or each bank of transformers operating as a unit shall have overcurrent protection. ^{Overcurrent protection for transformers}
R.S.O. 1960, c. 241, s. 537, *amended*.

Control and protection requirements 509.—(1) Control and protective devices, complying with one of the following, shall be installed for all power and distribution transformers:

1. Circuit-breakers of adequate interrupting capacity and rating.
2. Fuses of adequate rating and interrupting capacity preceded by suitable group-operated visible-break load-interrupting devices capable of making and interrupting their full load rating and that may be closed with safety to the operator with a fault on the system.
3. Fuses of adequate rating and interrupting capacity preceded by a group-operated visible-break air-break switch capable of interrupting the magnetizing current of the transformer installation and that may be closed with safety to the operator with a fault on the system and so interlocked with the transformer secondary load interrupters as to prevent its operation under load.

Idem (2) Where the transformer rating does not exceed 100 kva per phase and the potential between phases does not exceed 7,200 volts, a single-pole disconnecting fuse of adequate interrupting capacity may be used on the primary. R.S.O. 1960, c. 241, s. 536, *amended*.

Switchboards and Switchgear

General 510. Panels of switchboards shall be of incombustible material and shall be substantially supported on a metal framework. R.S.O. 1960, c. 241, s. 523.

Illumination of switchboards 511. Adequate illumination shall be provided for reading instruments and other operations. R.S.O. 1960, c. 241, s. 526.

Location of switchgear 512. Switchgear, if not of the dead-front or enclosed type, and live parts on the rear of dead-front switchboards shall be inaccessible to unauthorized persons. R.S.O. 1960, c. 241, s. 528, *amended*.

Clearance back of switchboard 513.—(1) There shall be a space of not less than three feet between equipment on the back of a fixed switchboard and the nearest adjacent wall when such equipment is less than seven feet from the floor.

Ingress and egress (2) Ready means for ingress and egress to the space behind the switchboard shall be provided.

(3) Doors or gates of suitable material may be provided ^{Doors, etc.} at such points for guarding-purposes but they shall be capable of being readily opened from the inside without the use of a key or tool.

(4) The space behind the switchboard shall be kept clear ^{Space to be kept clear} of foreign material and shall not be used for storage purposes. R.S.O. 1960, c. 241, s. 525, *amended*.

Transmission Lines

514. All electrical supply lines and equipment shall be of ^{General} suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce the life hazard as far as practicable. R.S.O. 1960, c. 241, s. 540.

515. Conductors and other current-carrying parts of supply ^{Isolation and guarding} lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible or shall be provided with guards so as to isolate them effectively from accidental contact of person. R.S.O. 1960, c. 241, s. 541.

516. Where conductors over 300 volts are attached to any ^{Entrance to buildings} building for entrance, they shall be isolated by elevation or guarded. R.S.O. 1960, c. 241, s. 542, *amended*.

517.—(1) Supply lines carried over railways operated by ^{Clearance over railways} steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and the clearances overhead as called for in the regulations of the Board of Transport Commissioners for Canada.

(2) Supply lines crossing over railways on which standard ^{Idem} equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported. R.S.O. 1960, c. 241, s. 543.

Storage batteries

518. Storage batteries shall be kept in inaccessible battery ^{Location of storage batteries} rooms or enclosures used for no other purpose where,

(a) the aggregate capacity at the eight-hour discharge rate exceeds five kilowatt hours; and

(b) the batteries are in unsealed jars or tanks. R.S.O. 1960, c. 241, s. 570, *amended*.

Ventilation
of
battery
rooms

519.—(1) Storage battery rooms shall be thoroughly ventilated.

Idem

(2) Adequate means shall be provided for sufficient diffusion and ventilation of the gases from the battery to prevent the accumulation of an explosive mixture. R.S.O. 1960, c. 241, s. 571, *amended*.

Lightning Arresters

Indoor
installation
of lightning
arresters

520. Where lightning arresters are installed in a building, they shall be located well away from all equipment, other than that which they protect, and from passageways and combustible parts of buildings. R.S.O. 1960, c. 241, s. 556, *amended*.

Location
of lightning
arresters

521. Lightning arresters installed for the protection of utilization equipment,

(a) may be installed either inside or outside the building or enclosure containing the equipment to be protected; and

(b) shall be isolated by elevation or guarded. R.S.O. 1960, c. 241, s. 558, *amended*.

Grounding

522.—(1) All non-current-carrying parts of lightning arresters shall be grounded, unless effectively isolated by elevation or guarded as required for live parts of the voltage of the circuit to which the arrester is connected. R.S.O. 1960, c. 241, s. 557.

Idem

(2) Grounding conductors for lightning arresters on power transmission systems shall be run as directly as possible and be of low resistance and ample capacity. R.S.O. 1960, c. 241, s. 560.

Idem

(3) In no case shall such grounding conductors be less than No. 6 copper wire, nor shall such grounding conductors pass through metal conduits unless electrically connected to both ends of the conduits. R.S.O. 1960, c. 241, s. 561.

Motors

Control
required

523.—(1) All motors shall be provided with proper starting equipment rated in horsepower and, for all motors up to 50 horsepower, except as provided for below, the motor and its starting equipment shall be controlled by a motor-circuit switch that will disconnect all ungrounded conductors of the circuit, leaving the motor and entire starting equipment dead.

(2) An isolating switch or a general-use switch treated as an ^{Idem} isolating switch may be used for motors of more than 50 horsepower. R.S.O. 1960, c. 241, s. 508.

524.—(1) For all motors up to 750 volts, the motor-circuit switch shall have a horsepower rating not less than that of the motor it controls. ^{Rating of control}

(2) Where a general-use switch or an isolating switch is ^{Idem} used for motors of more than 50 horsepower, it shall have a rating not less than 115 per cent of the current rating of the motor as shown on the nameplate and a minimum rating of 200 amperes. R.S.O. 1960, c. 241, s. 509.

525. In all cases, the motor-circuit switch, general-use switch or isolating switch shall be of the visible-break type. ^{Visible-break requirement} R.S.O. 1960, c. 241, s. 510.

526. One motor-circuit switch may serve a group of motors if the motors drive several parts of a single machine or apparatus. ^{Single disconnecting means for a group of motors} R.S.O. 1960, c. 241, s. 511.

527. Manually-operated motor starters of the compensator type, having both a starting and running position, shall be so designed that they cannot remain in the starting position. ^{Starters having different starting and running position} R.S.O. 1960, c. 241, s. 513.

528. Motors shall be disconnected from the source of supply in case of low voltage by one of the following means unless it is evident that no hazard will be incurred through the lack of such disconnection: ^{Under-voltage protection required}

1. Where automatic re-starting is liable to create a hazard, the motor control device shall provide low-voltage protection.
2. Where it is necessary or desirable that a motor stop on failure or reduction of voltage and automatically re-start on return of voltage, the motor control device shall provide low-voltage release. R.S.O. 1960, c. 241, s. 514, *amended*.

529. Each motor shall be suitably protected against continuous overload. ^{Overload protection required} R.S.O. 1960, c. 241, s. 515, *amended*.

CRANES

530.—(1) Crane collector wires shall be isolated by elevation and, where necessary, guarded. ^{Guarding and isolation} *New*.

Disconnect-
ing means

(2) Suitable means that will disconnect, under load, all ungrounded conductors of the circuit supplying a crane, as defined in subsection 1 of section 401, shall be,

(a) provided within sight of the main contact conductors or within sight of the equipment if there are no main contact conductors; and

(b) accessible and operable from the ground or the floor over which the equipment operates. R.S.O. 1960, c. 241, s. 568, *amended*.

Switch
required
in cab

531. A circuit-breaker or switch, capable of interrupting the circuit under heavy loads, shall be used unless the current collector can be safely removed, under heavy loads, from the crane collector wires. R.S.O. 1960, c. 241, s. 569, *amended*.

TROLLEY WIRES

Guarding
and isolation

532. Trolley lines shall be isolated by elevation and, where necessary, guarded. R.S.O. 1960, c. 241, s. 573, *amended*.

Require-
ments for
trolley lines
underground

533. In underground workings, trolley lines shall,

(a) be isolated by an elevation of not less than six feet;

(b) operate at a potential not exceeding 300 volts to ground;

(c) be effectively guarded. R.S.O. 1960, c. 241, s. 574, *amended*.

LIGHTING

Maximum
operating
voltage

534. The operating voltage of a lighting circuit shall not exceed 300 volts and the voltage to ground of a conductor shall not exceed 150 volts, but this section does not apply in the case of electric locomotives and cranes using direct current. R.S.O. 1960, c. 241, s. 564.

Neutral
identification

535. The neutral conductor on lighting circuits shall be identified by a white braid covering or other equivalent means. R.S.O. 1960, c. 241, s. 565.

Portable
hand lamps

536. Portable lamps shall have their sockets enclosed in suitably-insulated handles through which the conductors shall be carried and shall have a protective cage that encloses the lamp. R.S.O. 1960, c. 241, s. 563 (1), *amended*.

WIRING IN EXPLOSIVES STORAGES

537. All electrical wiring in explosives or blasting agents General magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses, shall be installed in rigid conduit with screwed water-tight joints or shall be armoured, moisture-proof cable. R.S.O. 1960, c. 241, s. 544, *amended*.

538. All conduit, armour, fittings and fixtures shall be Grounding permanently grounded. R.S.O. 1960, s. 241, s. 545.

539. The switches and fuses for lighting, heating or tele- Location of control and protection phone circuits for explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be in a fire-resisting cabinet located outside the compartment in which explosives, blasting agents, fuses or detonators, or blasting caps, are stored. R.S.O. 1960, c. 241, s. 546, *amended*.

540. Lighting fixtures shall be of an approved dust-tight Type of lighting fixtures required type. R.S.O. 1960, c. 241, s. 548.

541. Lighting circuits shall be fused at not more than Fusing of lighting circuits 10 amperes. R.S.O. 1960, c. 241, s. 547.

542. Circuits supplying power to explosives or blasting Lightning protection agents storage shall be protected against lightning surges. *New.*

543. Where explosives or blasting agents magazines or cap Type of heating required and fuse houses are heated electrically, a closed, liquid system shall be used. R.S.O. 1960, c. 241, s. 549, *amended*.

544. The electric heater shall be installed outside the com- Location of heater partment in which the explosives or blasting agents are stored, and the heater and radiators shall be grounded. R.S.O. 1960, c. 241, s. 550, *amended*.

545. Heater circuits shall be fused at not more than Fusing of heater circuits 125 per cent of normal current. R.S.O. 1960, c. 241, s. 551.

ELECTRIC BLASTING DEVICES

546. The firing device used for firing charges with elec- Construction tricity from lighting or power cables shall be so arranged that,

- (a) the switch mechanism will automatically return by gravity to the open position;

- (b) the live side of such device is installed in a fixed locked box and shall be accessible only to the authorized blaster;
- (c) provision is made that the leads to the face are short-circuited when the contacts of the electric blasting device are in the open position;
- (d) the box in which the electric blasting device and the short-circuiting device are mounted is provided with a lock and the door is so arranged that it cannot be closed or locked unless the contacts of the electric blasting device are open and the short-circuiting device is in place;
- (e) where electricity from 550-volt circuits is used for blasting, the device shall be electro-magnetically operated, except as provided in section 254. R.S.O. 1960, c. 241, s. 553.

Precautions
re instal-
lation of
blasting
cables

547. When blasting cables or wires are installed in the vicinity of power or lighting cables, proper precautions shall be taken to prevent the blasting cables or wires coming in contact with the lighting or power cables. R.S.O. 1960, c. 241, s. 554.

Circuits
not to be
grounded

548. Circuits having a grounded conductor shall not be used for blasting. R.S.O. 1960, c. 241, s. 555.

ELECTRIC HOISTS

General

549. Sections 550 to 575 apply to all electric hoists regardless of the method of operation. *New.*

Braking

550.—(1) For each electric hoist, protective devices shall be provided, which, in conjunction with the mechanical braking system, shall be capable of bringing a conveyance or counterbalance safely to rest under all conditions of authorized loading, direction of travel and speed without assistance from the drive.

Idem

(2) Where supplementary electrical braking is employed, at least the same degree of safety shall be supplied. R.S.O. 1960, c. 241, s. 575, *part, amended.*

Safety
requirement

551. Except where otherwise specified, current-carrying parts of any safety device shall be so designed, installed and maintained that the failure of any such part will initiate emergency braking action to bring the hoist safely to rest. R.S.O. 1960, c. 241, s. 575, *part, amended.*

552. Devices shall be installed in each hoisting compartment that, in the event of an overwound conveyance or counterbalance, shall be operated directly by the conveyance or counterbalance to initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage. ^{Track limits required for overwind protection} R.S.O. 1960, c. 241, s. 575, *part, amended*.

553. Devices shall be installed for each hoisting compartment that, in the event of an underwound conveyance or counterbalance, shall initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage, except that, in the case of shaft sinking, inspection and maintenance, the protection for an underwound conveyance or counterbalance may be dispensed with. ^{Underwind protection required} R.S.O. 1960, c. 241, s. 575, *part, amended*.

554. Devices, driven from the operating drum or drums, shall be installed, where the hoist operates at a rope speed of 750 feet per minute or greater, that, in the event of an overwound or underwound conveyance or counterbalance, will initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments meet any obstruction to its free passage, except that, in the case of shaft sinking, inspection and maintenance, the protection for an underwound conveyance or counterbalance may be dispensed with. ^{Overwind and underwind requirements for high-speed hoists} R.S.O. 1960, c. 241, s. 575, *part, amended*.

555. Each electric hoist shall have installed a device that will initiate an emergency stop and bring the conveyance or counterbalance to rest safely should the rope speed exceed the authorized maximum by a predetermined amount. ^{Overspeed} R.S.O. 1960, c. 241, s. 575, *part, amended*.

556. Devices, driven from the operating drum or drums, shall be installed where the hoist operates at a rope speed of 750 feet per minute or greater, that will enforce any necessary reduction in speed as the conveyance approaches the end of travel. ^{Enforced slowdown} R.S.O. 1960, c. 241, s. 575, *part, amended*.

557. No person shall alter the adjustment of any protective device without proper authority. ^{Adjustment of protective devices} R.S.O. 1960, c. 241, s. 575, *part, amended*.

558.—(1) Where ore or waste dumps, loading boxes or spill-doors are installed in a shaft or winze at points other than the upper and lower limits of normal travel of a conveyance ^{Intermediate obstructions}

and where any part of such dump box or door interferes with the free passage of a conveyance, there shall be installed,

- (a) travel-limiting devices;
- (b) travel-limiting devices as required by section 554, where required;
- (c) enforced slow-down devices as required by section 556, where applicable;
- (d) positive locking devices for maintaining such obstructions out of the operating position in the shaft or winze.

Idem

(2) The manager, or his agent, of a mine employing such an intermediate obstruction shall provide a procedure to be followed to ensure the safe operation of the installation.

Idem

(3) Before such an installation is made, plans and procedure shall be submitted to the chief engineer for approval. R.S.O. 1960, c. 241, s. 575, *part, amended*.

Protection
required
for hoist
electrical
system

559. Emergency braking action shall be initiated to bring a conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage in the event of,

- (a) the failure of the power supply to the hoist electric system;
- (b) an overload on the hoist-drive motors of a magnitude and duration exceeding what would be considered an operating overload; or
- (c) a short-circuit on the hoist electric system. R.S.O. 1960, c. 241, s. 576, *amended*.

Backout

560.—(1) Every electric hoist shall have installed a device to enable a conveyance or counterbalance to be removed from an overwound or underwound position.

Idem

(2) Every such device shall be manually operable only. R.S.O. 1960, c. 241, s. 577, *amended*.

Emergency
switch

561. A manually-operable switch shall be installed for each electric hoist within reach of the manual controls that will, when operated, initiate emergency braking action to bring the conveyance or counterbalance safely to rest. R.S.O. 1960, c. 241, s. 579, *amended*.

562. An underwind by-pass switch may be installed, where ^{Underwind} necessary, that will allow the conveyance to be lowered ^{by-pass} through the underwind position if it is held in the closed ^{switch} position by the hoistman and will return automatically to the open position when not so held. R.S.O. 1960, c. 241, s. 578.

563. Each electric hoist shall have installed, within plain ^{Load meter} view of the manual controls, a meter that will indicate, at all ^{required} times, the hoist motor load. R.S.O. 1960, c. 241, s. 580, *amended*.

564.—(1) Where men are transported in skips or the skips ^{Man-safety} of skip-cage assemblies, there shall be installed a device that ^{requirements} will prevent the conveyance, carrying the men, from entering the dumping position.

(2) Except in shaft sinking, such device shall be so installed ^{Idem} that, when it is put into operation, a distinctive signal will be given, automatically, to men about to enter the conveyance.

(3) Such device is not required on electric hoists where ^{Idem} men are hoisted for shaft inspection or maintenance operations only.

(4) Such device shall be put into operation, either manually ^{Idem} or automatically, when men are transported.

(5) In those cases where the device is automatically put ^{Idem} into operation by the hoistman's return of the 3-bell signal, the circuit shall be so arranged that the failure of the relay coils will not render the device inoperative. R.S.O. 1960, c. 241, s. 581, *amended*.

565. Each electric hoist shall have installed a device ^{Approach} whereby the hoistman is warned, audibly, that a conveyance ^{warning} or counterbalance is about to enter the region where a reduction in speed is necessary for safe manual braking. R.S.O. 1960, c. 241, s. 582 (1), *amended*.

566. Sections 567 to 575 apply to all electric hoists that may ^{Automatic} be operated automatically. *New.* ^{hoists}

567.—(1) Every electric hoist shall have installed, only in ^{Selection of} the same location as the manual controls, a device for the ^{manual or} change-over from manual to automatic control. ^{automatic} ^{control}

(2) Such device shall be operated by authorized personnel ^{Idem} only. *New.*

Level or
cage control

568. Where an electric hoist is designed to be operated from control stations on the levels or from a control station on the conveyance, any device used to effect the changeover of control shall be operable only at the level at which a conveyance is stopped. *New.*

Operation
of level-
installed
controls

569.—(1) Devices installed on the levels for the purpose of selecting the conveyance destination and for initiating hoist motion shall be operable only when the conveyance is stopped at that level, except where the installation has been approved for call operation.

Idem

(2) There shall be a minimum delay of five seconds between the operation of the level control device used to initiate hoist motion and the actual motion when men are being handled.

Idem

(3) The level control device used to initiate hoist motion shall be so located that it may be operated by someone in the conveyance stopped at that level.

Idem

(4) Devices installed on the levels for the purpose of initiating hoist motion shall, except for jogging, be operable only when the shaft gate at the level at which the conveyance is stopped is in the closed position. *New.*

Operation
of cage-
installed
control

570.—(1) Devices installed in a conveyance for the purpose of controlling hoist motion shall, except for jogging, be operable only when the cage door is in the closed position.

Idem

(2) Where devices are installed in a conveyance for the purpose of controlling hoist motion, one of the devices shall be capable of initiating emergency braking action to bring the conveyance safely to rest. *New.*

Friction
hoists

571. Sections 572 to 575 apply to all electric friction hoists. *New.*

Jammed
conveyance
device

572. Each electric friction hoist shall have installed a device that will initiate emergency braking action to bring the drum to rest in the event of the occurrence of slip between the hoisting rope or ropes and the hoist drum, such as might occur with a conveyance or counterbalance jammed in the shaft or caught at the end of travel. *New.*

Synchro-
nizing
device

573. Where creep or slip may alter the effective position of safety devices, a means of synchronizing the safety devices with the position of the conveyance in the shaft shall be provided. *New.*

574. If the electrical engineer deems it necessary, he may, ^{Special testing} after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all electric over-wind and underwind devices, signalling and warning devices and hoisting controls and equipment. R.S.O. 1960, c. 241, s. 583.

575.—(1) The owner or manager of a mine where an electric hoist is in use shall depute some competent person or persons ^{Electrical Hoisting Equipment Record Book} whose duty it is to examine at least once in each week the hoist motor and control apparatus, electric safety devices and hoisting signalling equipment.

(2) The report of such examination shall be recorded as ^{Idem} provided in subsection 3.

(3) The owner or manager shall keep or cause to be kept ^{Idem} at the mine for each hoist a book called the Electrical Hoisting Equipment Record Book in which shall be recorded a report of every such examination and a notation of any failure or accident to such equipment and the action taken regarding it, signed by the person making the examination.

(4) Such entries of the weekly examination shall be read ^{Idem} and signed every week by the person in charge of such equipment or accessories thereto.

(5) A notation of the action taken regarding the report ^{Idem} of any failure or accident to any part of the electrical equipment used in connection with the hoist or the signalling equipment shall be made over the signature of the person in charge of such equipment or accessories thereto.

(6) The Electrical Hoisting Equipment Record Book shall ^{Idem} be made available to the engineer at all times. R.S.O. 1960, c. 241, s. 584.

UNDERGROUND INSTALLATIONS

576. The provisions of this Part that apply to surface ^{General} installations apply equally to underground installations, except sections 577 to 594, which apply only to underground installations. R.S.O. 1960, c. 241, s. 585.

577.—(1) Where electrical energy is taken underground, ^{Control of underground feeders} provision shall be made so that the current may be cut off on the surface. R.S.O. 1960, c. 241, s. 588 (1).

(2) The control device shall be accessible to authorized ^{Idem} persons only. R.S.O. 1960, c. 241, s. 588 (2), *amended*.

Wiring
methods

578.—(1) Conductors for all circuits not over 150 volts to ground shall either be installed in standard conduits, armoured or have non-flammable jackets and be adequately supported. R.S.O. 1960, c. 241, s. 502 (1), *amended*.

Idem

(2) All fixed conductors transmitting power underground at over 150 volts to ground shall be armoured or enclosed in standard conduit and substantially supported. R.S.O. 1960, c. 241, s. 502 (2).

Idem

(3) Open-type wiring shall not be used except in cases of extreme emergency. R.S.O. 1960, c. 241, s. 502 (3), *amended*.

Cable test
required

579. All new cables purchased for the transmission of power underground at a potential in excess of 750 volts shall be accompanied by the manufacturer's certified report of insulation tests, a copy of which shall be filed with the chief engineer. R.S.O. 1960, c. 241, s. 595.

Cable
rating

580.—(1) All cables transmitting power underground at a potential exceeding 750 volts shall have a voltage rating of 50 per cent higher than the normal operating voltage. R.S.O. 1960, c. 241, s. 596 (1).

Idem

(2) Cable of standard rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit where the neutral point is grounded in such a manner as to,

(a) limit fault current; and

(b) limit the possible rise of fault potential on any connected equipment to a maximum of 100 volts,

and where ground fault protection is provided. R.S.O. 1960, c. 241, s. 596 (2), *amended*.

Bonding
requirements

581. The armouring or casings of all cables shall be bonded together so as to be electrically continuous and shall be connected at some point or points to a satisfactory ground on surface. R.S.O. 1960, c. 241, s. 593.

Adequate
grounding
for
equipment

582. Where the armouring or casings of cables do not provide an adequate grounding system for underground electrical equipment, a copper or other non-corrosive grounding conductor of adequate size shall be run from such equipment to a satisfactory ground on surface. R.S.O. 1960, c. 241, s. 594.

583. Suitable terminating facilities shall be provided to protect cables from harm due to moisture or mechanical damage. R.S.O. 1960, c. 241, s. 597, *amended*. Terminating facilities

584. Junction boxes on a cable transmitting power at a potential exceeding 300 volts shall not be located in a shaft or winze or attached to any timbers at a shaft or winze station or headframe. R.S.O. 1960, c. 241, s. 600. Location of junction boxes

585. Splices shall not be made in shaft or winze conductors unless approved by the electrical engineer. R.S.O. 1960, c. 241, s. 601, *amended*. Approval of splices

586. Adequate precautions shall be taken to prevent signal and telephone cables coming into contact with other electric systems. R.S.O. 1960, c. 241, s. 598, *amended*. Protection of signal and telephone cables

587. The operating voltage on signal systems shall not exceed 150 volts to ground. R.S.O. 1960, c. 241, s. 589. Maximum voltage of signal system

588.—(1) One conductor of the two-wire signal circuit shall be grounded where the power supply is obtained from a transformer having a primary voltage in excess of 750 volts. Grounding of signal system

(2) The signal system may be operated with both conductors ungrounded when the supply is from a transformer having a primary voltage in excess of 750 volts, if an insulating transformer having a 1-to-1 ratio is installed between the supply and the signal system. R.S.O. 1960, c. 241, s. 590. Idem

589. Where an electrical hoisting-signal system is installed at a shaft or winze, there shall be a suitable, separate, audible signal system for the control of each hoisting conveyance operated from a single hoist and there shall be a sufficient difference in the sounds of the signals to the hoistman that they are easily distinguishable and it shall be so arranged that the hoistman can return the signal to the person giving the signal. R.S.O. 1960, c. 241, s. 591. Separate signal for each conveyance

590. The type and location of transformers installed underground are subject to the approval of the electrical engineer. R.S.O. 1960, c. 241, s. 602. Transformers, type and location

591.—(1) All transformers over 2 kva, unless insulated with non-flammable dielectric liquids or Class B or Class C insulation, when installed underground, shall be effectively isolated from the mine workings by enclosure in rooms constructed of fire-resisting materials throughout and a door sill of not less than six inches in height shall be provided. Transformers and transformer rooms

Idem (2) No material or equipment of any kind, including air lines, air ducts, water and steam lines, shall pass through or terminate within the room, other than that essential to the transformer installation for its proper operation and safety.

Idem (3) The covers of the ventilation openings shall be held open by thermal fuse links and shall close by gravity, and the door shall be constructed for steel or other suitable material.

Idem (4) No transformer station shall be located within 200 feet of an explosives or blasting agents storage. R.S.O. 1960, c. 241, s. 603.

Fire prevention underground 592.—(1) The supports for electric motors, transformers, control and protective equipment and other electric apparatus and the compartments in which they are installed shall be of such material and constructed in such a manner as to reduce the fire hazard to a minimum. R.S.O. 1960, c. 241, s. 586 (1), *amended*.

Idem (2) No flammable material shall be stored or placed in the same compartment with any such equipment or apparatus. R.S.O. 1960, c. 241, s. 586 (2).

Electric heaters 593. Where lamps or heating units are used underground, they shall be so installed and protected as to prevent the heat generated from becoming a fire hazard. R.S.O. 1960, c. 241, s. 604, *amended*.

Fire-extinguishing devices 594.—(1) Approved fire-extinguishing devices for use on electrical fires shall be provided and maintained in condition for immediate use.

Idem (2) They shall be conveniently mounted at or in every place containing electrical apparatus having flammable insulation or parts that, once ignited, may support combustion. R.S.O. 1960, c. 241, s. 587.

GENERAL

Wilful damage to property 595. No person shall wilfully damage or, without proper authority, remove or render useless any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam gauge, water gauge, safety valve, electrical equipment, fire-fighting equipment, first-aid equipment or other appliance or thing provided in a mine in compliance with this Act. R.S.O. 1960, c. 241, s. 605.

Persons under the influence of or carrying liquor 596. No person under the influence of or carrying intoxicating liquor shall enter a mine or be in the proximity of a working place on the surface or near machinery in motion. R.S.O. 1960, c. 241, s. 606.

597. Abstracts of the provisions of this Act, authorized by the chief engineer, shall be posted up in suitable places at the mine or works where they can be conveniently read, and the owner or agent of the mine shall maintain such abstracts duly posted, and the removal or destruction of any of them is an offence against this Act. R.S.O. 1960, c. 241, s. 607.

598. The Minister may prescribe the charge to be made for any record or log book required under this Part. R.S.O. 1960, c. 241, s. 608.

TESTING LABORATORIES

599. The Minister may, out of the moneys that are appropriated for the purpose, establish, maintain and operate one or more laboratories for the purpose of testing or examining hoisting ropes or other appliances used in or about a mine and, by regulations made by the Lieutenant Governor in Council, may provide for,

- (a) the management and operation of such laboratory or laboratories;
- (b) the charges to be paid for services performed in such laboratory or laboratories;
- (c) such other purposes as the Lieutenant Governor in Council deems proper. R.S.O. 1960, c. 241, s. 609.

PARTY WALLS

600.—(1) Subject to section 197 and except by agreement under subsection 3, no mining operations shall be carried on within a distance from the property boundary of a mine or mining property of twice the width or thickness of the orebody at the boundary, measured parallel to the boundary from foot wall to hanging wall and normal to the dip, and in no event shall mining operations be carried on within a distance of twenty feet from the boundary measured from the perpendicular to the boundary,

- (a) except that, for the purposes of preliminary investigation, development headings may be advanced to twenty feet from the boundary; and
- (b) except that exploratory diamond drilling may be done.

(2) Subsection 1 does not apply to operations at sand, gravel or clay pits or open-cast rock quarries.

Agreement
by adjoining
owners

(3) Adjoining owners may, by agreement in writing signed by them, carry on mining operations within the distances from the property boundary mentioned in subsection 1.

Certified
copies to
Minister

(4) Two certified copies of every such agreement shall be sent to the Minister and shall take effect upon written acknowledgement of receipt of the agreement by the Minister. R.S.O. 1960, c. 241, s. 610.

Disagree-
ment on
boundary
operations

601.—(1) Where adjoining owners are unable to agree to carry on mining operations within the distances from the property boundary mentioned in subsection 1, application may be made to the Minister by either owner requesting the appointment of a committee to investigate in what manner and within what distances from the boundary mining operations may be carried on.

Appoint-
ment of
committee

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are competent to investigate mining conditions at the boundary.

Duty of
committee

(3) The committee so appointed shall hear representations from the adjoining owners and conduct such investigation of mining conditions on the adjoining mining properties as may be necessary at a time or times named by the Minister.

Report of
committee

(4) Upon completion of their investigation, the committee shall forthwith submit a report in writing to the Minister with recommendations concerning terms and conditions of mining operations at the boundary.

Order of
Minister

(5) Upon receipt of the report of the committee, the Minister may issue an order establishing the terms and conditions to be observed in mining operations at the boundary and shall fix the costs of the committee to the adjoining owners. R.S.O. 1960, c. 241, s. 611.

Suspected
breach or
trespass of
party wall

602.—(1) Where the owner of a mine or mining property has reason to believe that a breach has been made in or a trespass has been committed with respect to the party wall between his mine or mining property and an adjoining mine or mining property, application may be made to the Minister by the owner for the appointment of a committee to examine the party wall and enter the adjoining mines or mining properties with an assistant or assistants and use where necessary the workings and appliances thereof.

Appoint-
ment of
committee

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are

competent to conduct such examination of the party wall as may be necessary.

(3) The committee so appointed shall conduct such examination of the party wall as may be necessary at a time or times named by the Minister. ^{Duty of committee}

(4) Upon completion of the examination, the committee shall forthwith submit a report of its findings in writing to the Minister. ^{Report of committee}

(5) Upon receipt of the report of the committee, the Minister shall fix the costs of the committee to one or both owners. ^{Costs}

(6) Where a breach has been made in a party wall of a mine by the owner of an adjoining mine, or by his employees or agents, without the permission in writing of the owner of the first-mentioned mine or without authority under this Act, the Minister may make an order directing the offending owner to close the breach permanently or to carry out such measures as the Minister deems necessary to prevent water from flowing into the mine of the owner complaining of the breach. ^{Breach of party wall}

(7) Where work has been discontinued in the mine of the offending owner or where expedient for any other reason, the Minister may authorize the owner complaining of the breach, his employees or agents, to enter the mine and works of the offending owner to erect bulkheads and carry out such measures as the Minister deems necessary to protect from damage the mine of the owner complaining of the breach and his employees and agents from danger from accumulations of water in the mine of the offending owner. R.S.O. 1960, c. 241, s. 612. ^{Minister may authorize entry}

603. For good cause shown and upon such terms as seem just, the Minister may vary or rescind an order made under section 601 or 602. R.S.O. 1960, c. 241, s. 613. ^{Minister may vary or rescind order}

BRINE WELLS

604.—(1) In this section,

<sup>Interpre-
tation</sup>

(a) "brine well" means a hole or opening in the ground for use in brining;

(b) "brining" means the extraction of salt in solution by any method.

Permit to
bore or
drill a
brine well

(2) No person shall drill or bore a brine well except under the authority of a permit in writing issued by the Minister upon application therefor in the prescribed form.

Permits
not issued

(3) A permit shall not be issued,

(a) to authorize a person to drill or bore a brine well on property in which he does not own, hold or lease, or is not otherwise entitled to, the mining rights; or

(b) where the proposed brine well is nearer the boundary of such property than 500 feet.

Location of
brine well

(4) The chief engineer may reduce or extend the distance referred to in clause *b* of subsection 3 where in his opinion it is advisable to do so and shall notify the applicant of any such reduction or extension within thirty days from the date upon which the application for the permit is filed.

Condition
of permit

(5) A permit is subject to the condition that the brine well in respect of which it is issued is bored or drilled in the location described in the permit.

Time for
issuance
of permit

(6) A permit shall be issued or refused within thirty days from the date on which the application therefor is filed, except that, where notice has been given by the chief engineer under subsection 4, the permit shall be issued upon the receipt by the Minister of the applicant's consent thereto.

Log of
drilling
operations

(7) Where a person drills or bores a brine well, he shall forward a log of the drilling or boring in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the drilling or boring operations, and, upon his request in writing, the log shall be confidential for a period of six months.

Protection
of water
horizons

(8) A person boring or drilling a brine well shall take such reasonable measures as are necessary to control the infiltration of water from one horizon to any other horizon that may be penetrated during the drilling or boring operations.

Protection
of deposits

(9) All brine wells shall be cased and equipped so as to reasonably ensure against the uncontrolled flow of oil, natural gas, brine or water.

Standard
of casing
and equip-
ment

(10) Casing and equipment shall be in good condition and of a thickness and strength adequate to withstand any fluid pressure to which they might normally be subjected.

(11) Where practicable, all brine wells shall be plugged by the person operating them, before being abandoned, in a manner that will, ^{Plugging of abandoned wells}

(a) reasonably ensure that salt horizons and potential oil or natural gas producing horizons are protected; and

(b) retain water and brine in their original formations.

(12) Before commencing to plug a brine well, the person proposing to carry out the plugging operations shall report the particulars thereof to the chief engineer in the prescribed form. ^{Report of proposed plugging}

(13) Where a person plugs a brine well, he shall forward a record of the plugging in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the plugging operations. ^{Record of plugging operations} R.S.O. 1960, c. 241, s. 614.

NOTICE OF NON-FATAL ACCIDENTS

605. Where, in or about a mine, metallurgical works, quarry, or a sand, clay or gravel pit, an accident occurs that causes fracture or dislocation of any bones of the body, or any other injury that in the opinion of the attending physician may result in the injured person being incapacitated for work for at least five days, to a person employed therein, the owner, agent, manager or superintendent shall within three days of the accident send notice in writing to the engineer resident in that part of Ontario in which the mine, works, quarry or pit is situate on the form prescribed for such purpose. ^{Notice of accident} R.S.O. 1960, c. 241, s. 615.

NOTICE OF SPECIAL OCCURRENCES

606.—(1) Where in or about a mine,

Idem

(a) an accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyance, or shaft or winze timbering;

(b) an explosion or fire involving an air compressor, air receiver or compressed air line;

(c) an inrush of water from old workings or otherwise;

(d) a failure of an underground dam or bulkhead, as defined by subsection 1 of section 202;

- (e) an outbreak of fire below ground or an outbreak of fire above ground if it endangers any structure of the mine plant;
- (f) a premature or unexpected explosion or ignition of explosives or blasting agents;
- (g) an asphyxiation effecting a partial or total loss of physical control;
- (h) a flammable gas in the mine workings; or
- (i) an unexpected and non-controlled extensive subsidence or caving of mine workings,

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the occurrence, send notice in writing in duplicate to the district engineer resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereof as the engineer requires.

Notice of
occurrence
of fire and
need of
rescue
equipment

(2) Where in or about a mine an outbreak of fire occurs that endangers the health or safety of one or more persons and the services of the mine rescue stations are required, the owner, agent, manager or superintendent shall immediately notify the rescue station superintendent and the district engineer resident in that part of Ontario in which the mine is situate.

Rockburst

(3) Where a rockburst occurs, whether or not loss of life or personal injury is caused thereby, and its location is determined as being within the workings of a mine, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the location of the burst has been determined, send notice in writing to the district engineer resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars with respect thereto as the engineer requires.

Record of
rockbursts

(4) A record of the occurrence of all rockbursts at a mine shall be kept, showing, as far as possible, the time, location, extent of the burst, any injury to persons and any other information pertaining to the burst, and such record shall be available to the engineer at all times. R.S.O. 1960, c. 241, s. 616.

OTHER NOTICES AND INFORMATION

607.—(1) The owner or agent shall give or cause the manager or superintendent of a mine to give written notice to the chief engineer and to the district engineer resident in that part of Ontario in which the mine is situate,

Written
notice by
owner or
agent

- (a) of the intended installation of a mine hoisting plant, power plant or treatment plant under the jurisdiction of the Department and the name and address of the person in charge of the operation at least fourteen days prior to the commencement of work on such installation, and the notice shall also give the lot, concession and township or claim numbers on which operations are to commence and the specifications and layout of the plant;
- (b) of the connection or reconnection of any mining electrical equipment with a source of electrical energy controlled by any other person at least fourteen days prior to the connection or reconnection;
- (c) of the commencement or resumption, after an interruption of one month or more, of mining operations within fourteen days after the commencement or resumption; and
- (d) of the closing down of the mine and that,
 - (i) the requirements of subsection 1 of section 168 as to the fencing of the top of the shaft, entrances from the surface, pits and openings,
 - (ii) the requirements of section 225 as to the disposal of explosives and blasting agents,
 - (iii) the requirements of section 374 as to the abandonment of a shaft compartment for hoisting purposes and as to the removal and disposition of hoisting ropes,
 - (iv) the requirements of section 456 as to the disconnection of the supply station from the power source and notification of same to the chief engineer, and
 - (v) the requirements of subsections 7 and 8 of section 609 as to the filing of plans and sections,

have been complied with within fourteen days of the closing down.

Information
for engineer

(2) The owner, manager or superintendent of a mine shall furnish to the engineer resident in that part of Ontario in which the mine is situate all information that the engineer requires for the purposes of his returns. R.S.O. 1960, c. 241, s. 617.

STATISTICAL RETURNS

Statistical
returns

608.—(1) For the purpose of their tabulation under the instructions of the Minister, the owner or agent of every mine, quarry or other works to which this Act applies shall, on or before the 31st day of March in every year, send to the Department on the forms supplied a correct return for the year that ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below and above ground respectively, the total amount of wages paid during the year, the quantity in standard weight of the minerals dressed and of the undressed mineral that has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Minister by regulation prescribes.

Monthly or
quarterly
returns

(2) The owner or agent of every metalliferous mine shall, if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year.

Offence

(3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes a return that is to his knowledge false in any particular, is guilty of an offence against this Act. R.S.O. 1960, c. 241, s. 618.

MINE PLANS

Plans to
be kept

609.—(1) At every mine, the owner or manager shall cause the following plans on a scale acceptable to the chief engineer to be kept up to a date not more than six months last past:

1. A surface plan showing the boundaries of the property, all lakes, streams, roads, railways, electric power transmission lines, main pipe lines, buildings, shaft openings, adits, open surface workings, diamond-drill holes, outcroppings of rock, and dumps and tailing-disposal sites.
2. Underground plans of each level and section showing all underground workings, including shafts and tunnels, diamond-drill holes, dams and bulkheads, and each level plan shall be shown on a separate drawing.

3. Vertical mine sections at suitable intervals and at suitable azimuths, showing all shafts, tunnels, drifts, stopes and other mine workings in relation to the surface, including the location of the top of the bed-rock, surface of the overburden and the bottom and surface of any known watercourse or body of water, and each section shall be shown on a separate drawing.
4. Adequate ventilation plans, showing the direction and volume of the main air currents, the location of permanent fans, ventilation doors and stoppings, and connections with adjacent mines.

(2) The owner or manager of every mine in which electricity ^{Idem} is used underground shall keep or cause to be kept up to a date not more than six months last past an adequate plan or diagram showing on a suitable scale the following information:

1. The position of all fixed electrical apparatus in the mine.
2. The routes of all fixed power feeders and fixed branch feeders properly noted and referenced.
3. The rating of all electrical feeder control apparatus and equipment.

(3) Such plans or diagrams shall be available to the engineer ^{Idem} at all times and copies of the plans or diagrams shall be furnished him upon request.

(4) On any examination or inspection of a mine, the owner, manager or superintendent shall, if required, produce to the engineer or other person authorized by the Minister or the Deputy Minister all plans and sections of the workings referred to in subsections 1, 2 and 3. ^{Marking subsequent progress on plan}

(5) The owner, manager or superintendent shall, if required ^{Idem} by the engineer or other person authorized by the Minister or Deputy Minister, cause to be marked on such plans and sections the progress of the mine up to the time of the examination or inspection, and shall furnish him with a copy or tracing thereof.

(6) Certified copies of the plans required by paragraph 2 of subsection 1 and mine sections showing all shafts as required by paragraph 3 of subsection 1 shall be made and filed in the Department on or before the 31st day of March in each year, showing the workings of the mine up to and including the 31st day of December next preceding. ^{Plan of working mines to be filed}

Plans to
be filed
before
abandon-
ment

(7) Before a mine or a part of a mine is abandoned, closed down or otherwise rendered inaccessible, all underground plans and sections referred to in paragraphs 2 and 3 of subsection 1 shall be brought up to date and a certified copy filed in the Department.

Idem

(8) Before work at a mine ceases, the surface plan referred to in paragraph 1 of subsection 1 showing all openings to underground workings shall be brought up to date and a certified copy filed in the Department.

Responsi-
bility of
owner

(9) The owner of every mine, quarry or other works to which this section applies is responsible for compliance with the provisions thereof, and every owner or other person who fails to comply with any of the provisions of this section, or who produces to an engineer or other authorized person, or files or causes to be produced or filed, a plan that to his knowledge is false in any particular is guilty of an offence against this Act.

Plans to be
treated as
confidential

(10) Every such plan shall be treated as confidential information for the use of the officers of the Department and shall not be exhibited, nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine. R.S.O. 1960, c. 241, s. 619.

POWERS AND DUTIES OF ENGINEERS

Powers of
engineer

610.—(1) It is the duty of the engineer and he has power,

- (a) to make such examination and inquiry as he deems necessary to ascertain whether this Act is complied with, and to give notice to the owner or agent in writing of any particulars in which he considers the mine or any part thereof, or any matter, thing or practice, to be dangerous or defective or contrary to this Act, and to require the same to be remedied within the time named in the notice;
- (b) to enter, inspect and examine any mine or any part thereof at any reasonable time by day or night, but so as not to unnecessarily impede or obstruct the working of the mine;
- (c) to order the immediate cessation of work in and the departure of all persons from any mine or part thereof that he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary; and

- (d) to exercise such other powers as he deems necessary for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, and metallurgical and mining works.

(2) It is the duty of the engineer to make a report of every examination and inquiry made in the course of his duty during the year to the Minister, the Deputy Minister or the chief engineer, as required by the circumstances, immediately upon the completion of the examination or inquiry. R.S.O. 1960, c. 241, s. 620. ^{Reports of engineer}

611.—(1) The Minister may direct an engineer to make a special report with respect to any accident in or about a mine that has caused the loss of life or injury to any person, or with respect to any condition in or about a mine. ^{Special report}

(2) In conducting the inquiry, the engineer has power to compel the attendance of witnesses and the production of books, documents and things, and to take evidence upon oath. R.S.O. 1960, c. 241, s. 621. ^{Engineer may take evidence}

612.—(1) Non-compliance with a written order of the engineer issued in accordance with section 610 shall be deemed an offence against this Part. ^{Offence}

(2) Failure to give written notice of the completion of any work in accordance with a written order of the engineer issued under section 610 shall be deemed an offence against this Part. R.S.O. 1960, c. 241, s. 622. ^{Idem}

PART X

REFINERY PROVISIONS

613. In this Part, "refinery" means apparatus or equipment that may be used for the refining, retorting, smelting, assaying or treating by any other method of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein. R.S.O. 1960, c. 241, s. 623. ^{Interpretation}

614. No person shall own, operate, use or have a refinery in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant unless a refinery licence has been granted in respect of such refinery, except that no refinery licence shall be required in respect of a refinery for which a certificate of exemption has been issued. R.S.O. 1960, c. 241, s. 624. ^{Refinery licence}

Powers of
Minister as
to refinery
licences

615.—(1) The Minister may,

- (a) issue and renew refinery licences and certificates of exemption;
- (b) refuse to issue or renew a refinery licence or certificate of exemption, or suspend, cancel or revoke a refinery licence or certificate of exemption for any reason that he deems sufficient in the public interest;
- (c) prescribe the forms of refinery licences, certificates of exemption, applications therefor and renewals thereof; and
- (d) prescribe the fee payable upon the issue and renewal of refinery licences and certificates of exemption.

Term of
licence and
certificate
of exemption

(2) Every refinery licence and certificate of exemption expires on the 31st day of March next following the issue thereof and every renewal of a refinery licence or certificate of exemption expires on the 31st day of March next following the expiration of the refinery licence or certificate of exemption or the last renewal thereof. R.S.O. 1960, c. 241, s. 625.

Certificate
of exemption

616.—(1) A certificate of exemption may be issued in respect of a refinery where the Minister is satisfied that the refinery is not maintained or used for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein or is used only for educational purposes.

Use of
refinery

(2) No person who owns or has in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant a refinery in respect of which a certificate of exemption has been issued shall permit the refinery to be operated or used nor shall he or any other person operate or use the refinery for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein. R.S.O. 1960, c. 241, s. 626.

Offence

617. Every person who contravenes any of the provisions of this Part is guilty of an offence and is liable to a fine of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than one year, or to both fine and imprisonment. R.S.O. 1960, c. 241, s. 627.

Application
of Part

618. This Part applies notwithstanding that the owner or operator of a refinery is the holder of a licence issued under any Act. R.S.O. 1960, c. 241, s. 628.

619. The Minister may appoint any person to conduct an inquiry into any charge or complaint that a person has contravened any of the provisions of this Part, or into any matter or thing connected with or arising out of the operation of this Part, and such person has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1960, c. 241, s. 629.

PART XI

OFFENCES, PENALTIES AND PROSECUTIONS

620.—(1) Every person who,

Offences

- (a) prospects, occupies or works any Crown lands or mining rights for minerals otherwise than in accordance with this Act;
- (b) performs or causes to be performed on any Crown lands, or on any lands where the mining rights are in the Crown, any boring by diamond or other core drill for the purpose of locating valuable mineral in place, except where such Crown lands or mining rights have been staked out and recorded as a mining claim in accordance with this Act;
- (c) wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line, figure, writing or other mark lawfully placed, standing or made under this Act;
- (d) wilfully pulls down, injures or defaces any rules or notices posted up by the owner or agent of a mine;
- (e) wilfully obstructs the Commissioner or any officer appointed under this Act in the execution of his duty;
- (f) being the owner or agent of a mine, refuses or neglects to furnish to the Commissioner or to any person appointed by him or to any officer appointed under this Act the means necessary for making an entry, inspection, examination or inquiry in relation to a mine under this Act, other than Part IX;
- (g) unlawfully marks or stakes out in whole or in part a mining claim, a placer mining claim, or an area for a boring permit;

- (h) wilfully acts in contravention of this Act, other than Part IX or Part X, in any particular not hereinbefore set forth;
- (i) wilfully contravenes any provision of this Act or any regulation for the contravention of which no other penalty is provided;
- (j) wilfully makes any material change in the wording or numbering of a miner's licence after its issue; or
- (k) attempts to do any of the acts mentioned in the foregoing clauses,

is guilty of an offence against this Act and is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues.

False
statements

(2) Every person who knowingly makes a false statement in an application, certificate, report, statement or other document filed or made as required by or under this Act or the regulations is guilty of an offence and is liable to a fine of \$500 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1960, c. 241, s. 630.

Smelters

621.—(1) No person shall construct or cause to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals that may result in the escape or release into the open air of sulphur, arsenic or other fumes in quantities that may injure trees or other vegetation unless and until the site of the plant has been approved by the Lieutenant Governor in Council.

Offence

(2) Every person who constructs or causes to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals, without the approval of the Lieutenant Governor in Council, and sulphur, arsenic or other fumes escape or are released therefrom into the open air and injure trees or other vegetation is guilty of an offence and is liable to a fine of not more than \$1,000 for every day upon which such fumes escape or are released therefrom into the open air. R.S.O. 1960, c. 241, s. 631.

Disobeying
order or
award of
Commissioner

622. Every person who wilfully neglects or refuses to obey any order or award of the Commissioner, except for the payment of money, is, in addition to any other liability, liable to a fine of not more than \$250 and, upon conviction thereof, is liable to imprisonment for a term of not more than six months unless the fine and costs are sooner paid. R.S.O. 1960, c. 241, s. 632.

623.—(1) No person who,

Use of word
"Bureau"
prohibited

- (a) carries on the business of mining or dealing in mines, mining claims, mining lands, or mining rights, or the shares, stocks, or bonds of a mining company; or
- (b) acts as broker or agent in or for the disposal of mines, mining claims, mining lands, or mining rights, or of any such shares, stocks or bonds; or
- (c) offers or undertakes to examine or report on a mine, mining claim, mining land or mining rights,

shall use the word "Bureau" as the name or title or part of the name or title under which he acts or carries on business.

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues. R.S.O. 1960, c. 241, s. 633.

624.—(1) An owner, agent or other person who contravenes any provision of Part IX is guilty of an offence and is liable to a fine of not more than \$1,000.

Penalty
for offence
against
Part IX

(2) Where the Deputy Minister or an engineer has given written notice to an owner or agent or a person engaged or employed in or about a mine that an offence has been committed against Part IX, such owner or agent or other person is liable to a further fine of not more than \$100 for every day upon which the offence continues after such notice.

Additional
penalty for
continuing
offence

(3) An owner, agent or other person is, upon conviction, liable to imprisonment for a term of not more than three months unless the fine and costs are sooner paid.

Imprison-
ment

(4) Where the offence is one that might have endangered the safety of those employed in or about the mine or caused serious personal injury or a dangerous accident, and was committed wilfully by the personal act, default or negligence of the accused, every person who is guilty of an offence against Part IX is, in addition to or in substitution for any fine that may be imposed, liable to imprisonment with or without hard labour for a term of not more than three months. R.S.O. 1960, c. 241, s. 634.

Imprison-
ment of
offender
against
Part IX
in certain
cases

625.—(1) No prosecution shall be instituted for an offence against Part IX or Part X or any regulation made in pursuance thereof except,

Instituting
prosecutions
for offences

- (a) by an engineer;

(b) by direction of the county or district Crown attorney;
or

(c) by the leave in writing of the Attorney General,

or for an offence against any other provision of this Act or of any regulation made in pursuance thereof except,

(d) by or by leave of the Commissioner or a recorder;

(e) by direction of the county or district Crown attorney;
or

(f) by leave of the Attorney General.

When person
not actual
offender not
liable

(2) No person not being the actual offender is liable in respect of such offence, if he proves that he did not participate in the contravention of the provision for a breach of which he is charged and that he was not to blame for the breach and that according to his position and authority he took all reasonable means in his power to prevent the breach and to secure compliance with the provisions of Part IX or Part X.

Onus of
proof

(3) The burden of proving that the provisions of sections 173 to 594 have been suspended is upon the person charged with a contravention thereof and any such suspension may be proved by the evidence or certificate of an engineer. R.S.O. 1960, c. 241, s. 635.

Procedure on
prosecutions

626. Except as to offences against section 14, every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a magistrate or two justices of the peace having jurisdiction in the county or district in which the offence was committed or before the Commissioner, and, save as herein otherwise provided, *The Summary Convictions Act* applies to every such prosecution. R.S.O. 1960, c. 241, s. 636.

R.S.O. 1960,
c. 387

R.S.O. 1960,
c. 241, s. 654,
subs. 7,
amended

2. Subsection 7 of section 654 of *The Mining Act* is amended by striking out "use" in the third line and inserting in lieu thereof "user", so that the subsection shall read as follows:

Patent or
lease to
protect
public travel

(7) The patent or lease of such mines, minerals and mining rights shall contain a proviso protecting the road for public travel and preventing any user of the granted rights that would interfere with public travel unless a road in lieu thereof has been provided and accepted by the municipal corporation having control of the road.

Short title

3. This Act may be cited as *The Mining Amendment Act, 1961-62*.

An Act to amend The Mining Act

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

MR. WARDROPE

BILL 57

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Mining Act

MR. WARDROPE

(Reprinted as amended by the Committee on Mining)

EXPLANATORY NOTE

This Bill contains a revision of:

Part IX — Operation of Mines

Part X — Refinery Provisions

Part XI — Offences, Penalties and Prosecutions

The purpose of the revision is to bring these Parts into line with modern mining practices.

BILL 57

1961-62

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Parts IX, X and XI of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 241,
Pts. IX,
X, XI
(ss. 161-626),
re-enacted;
(ss. 627-636),
repealed

PART IX

OPERATION OF MINES

161.—(1) In this Part,

Interpre-
tation

- (a) "authorized" means properly authorized to perform any specified duty or to do any specified act;
- (b) "engineer" means a member of the Association of Professional Engineers of the Province of Ontario who is designated by the Department as the "chief" or as a "district", "electrical" or "mechanical" engineer of mines for Ontario;
- (c) "manager" means the person responsible for the control, management and direction of a mine or a part of a mine or works;
- (d) "qualified" means properly qualified to perform any specified duty or to do any specified act;
- (e) "rescue station superintendent" means a person in charge of a mine rescue station.

(2) Subject to the requirements of this Act and except as otherwise provided in this Act, responsibility for the authorization and decisions as to the qualifications of employees rests with the employer or his agent. R.S.O. 1960, c. 241, s. 161.

EMPLOYMENT IN AND ABOUT MINES

Employ-
ment,
of children

162.—(1) No male person under the age of sixteen years shall be employed in or about a mine, and no male person under the age of eighteen years shall be employed underground in a mine or at the working face of an open-cut workings, pit or quarry.

of females

(2) No female person shall be employed at a mine except on surface in a technical, clerical or domestic capacity or such other capacity that requires the exercise of normal feminine skill or dexterity but does not involve strenuous physical effort. R.S.O. 1960, c. 241, s. 162.

MINE RESCUE STATIONS

Establish-
ment

163.—(1) Mine rescue stations shall be established, equipped, operated and maintained at such places and in such manner as the Minister directs.

Mine rescue
officers

(2) The Lieutenant Governor in Council may appoint such mine rescue officers as he deems advisable.

Duty of
mine rescue
officers

(3) The equipment and operation of mine rescue stations shall be in the charge of mine rescue officers, and it is the duty of such officers to teach and train mine rescue crews and supervisors in the use and maintenance of the apparatus in such manner as the chief engineer directs, to maintain the apparatus in efficient and workable condition so as to be available for immediate use, and to perform such other duties as the chief engineer deems necessary.

Training of
rescue crews

(4) The owner, agent or manager of a mine shall cause such workmen and supervisors to be trained in the use and maintenance of mine rescue equipment as the district engineer deems necessary.

Responsi-
bility in
mine rescue
operations

(5) The mine manager is responsible for the supervision and direction of mine rescue crews in all mine rescue and recovery operations conducted at the mine.

Cost

(6) The cost of establishing, maintaining and operating mine rescue stations shall be paid out of the Consolidated Revenue Fund.

Idem

(7) The Workmen's Compensation Board shall at the end of each quarter year reimburse the Consolidated Revenue Fund from moneys assessed and levied by the Board against employers in the mining industry for the total amount certified by the Deputy Minister to have been paid out under subsection 6.

(8) All moneys received from the sale or disposal of any ^{Disposal of equipment, etc.} equipment, buildings or machinery forming part of or appertaining to mine rescue stations shall be paid to the Workmen's Compensation Board and shall be placed to the credit of the class funds of the employers in the mining industry. R.S.O. 1960, c. 241, s. 163.

HOURS OF LABOUR UNDERGROUND

164.—(1) In this section,

Interpretation

- (a) "shift" means a body of workmen whose hours for beginning and terminating work in the mine are the same or approximately the same;
- (b) "workman" means a person employed underground in a mine who is not the owner or agent or an official of the mine,

and, where any question or dispute arises as to the meaning or application of clause *b* of subsection 2 or as to the meaning of "shift", "workman", or "underground", the certificate of the engineer is conclusive.

(2) No workman shall remain or be allowed to remain ^{Hours of labour underground} underground in a mine for more than eight hours in any consecutive twenty-four hours, which eight hours shall be reckoned from the time he arrives at his place of work in the mine until the time he leaves such place, except that,

- (a) a shift or any part of a shift may remain or be allowed to remain underground in a mine for more than eight hours in any consecutive twenty-four hours on one day of a week for the purpose of avoiding work on Sunday or on a holiday or changing shift;
- (b) such limit does not apply to a foreman, pumpman, cagetender, or any person engaged solely in surveying or measuring, nor does it apply in cases of emergency where life or property is in imminent danger, nor does it apply in cases of repair work.

(3) No person shall operate or be permitted to operate, ^{Hours of operator of hoist} either on the surface or underground, a hoist, by means of which persons or material are hoisted, lowered or handled in a shaft or winze, for more than eight hours in any consecutive twenty-four hours, except,

- (a) that, in the event of one of the regular hoistmen being absent from duty through sickness or otherwise and

where no competent substitute is available, the remaining hoistman or hoistmen may work extra time not exceeding four hours each in any consecutive twenty-four hours for a period not exceeding fourteen days;

(b) that, in the case where the work at a mine or in a shaft or winze at a mine is not carried out continuously on three shifts per day, the hoistman may work such extra time as is necessary for hoisting or lowering the workmen employed on the shift at the beginning and end of each shift;

(c) in the cases provided for in clauses *a* and *b* of subsection 2.

Application
of section

(4) This section applies to all parts of Ontario without county organization, and applies to the other parts of Ontario on a day to be named by the Lieutenant Governor by his proclamation. R.S.O. 1960, c. 241, s. 164.

QUALIFICATIONS OF HOISTMEN

Age limit
of hoistmen

165.—(1) No person under the age of twenty-one years and no person who has not had adequate experience on a reversing hoist shall be allowed to have charge of a hoist at a shaft or winze in which men are handled at a mine.

Idem

(2) No person under the age of eighteen years shall be allowed to have charge of a hoist at a mine.

Hoistman
to be
holder of
medical
certificate

(3) No person shall operate or be permitted to operate a hoist at a shaft or winze in which men are handled at a mine, or for any other purpose designated by an engineer, unless the person has been examined by a legally qualified medical practitioner acceptable to the employer and the medical practitioner has issued to the person on the form prescribed a hoistman's medical certificate to the effect that to the best of the practitioner's knowledge the person is not subject to any infirmity, mental or physical (particularly with regard to sight, hearing and heart), to such a degree as to interfere with the efficient discharge of his duties.

Expiry of
certificate

(4) Such certificate lapses and shall be deemed to have expired at the end of one year from its date.

Filing of
certificate

(5) Such certificate shall be kept on file by the employer and made available to an engineer at his request.

(6) A record of all hoistmen's medical certificates pertaining to hoistmen operating in any one hoistroom shall be kept posted therein, showing the names of the hoistmen and the date of the last certificate issued to each. R.S.O. 1960, c. 241, s. 165. Posting
record of
certificates

(7) This section does not apply to the operation of hoists when on automatic control. *New.* Automatic
hoist
exempted

166. Where a contravention of section 162, 164 or 165 takes place, the owner or agent of the mine, or both of them, may be proceeded against, jointly or separately, and may be convicted of such offence, but neither the owner nor the agent shall be so convicted if he proves that the offence was committed without his knowledge or consent, and that he had caused notices of the said sections to be posted up, and to be kept posted up, at some conspicuous place at or near the entrance to the mining work. R.S.O. 1960, c. 241, s. 166. Proceedings
where
persons
employed
contrary
to Act

MEDICAL EXAMINATIONS

167.—(1) In this section,

Interpre-
tation

- (a) "applicant" means a person who is not the holder of a certificate in good standing who is seeking employment in a dust exposure occupation;
- (b) "certificate" means an initial certificate, an extended certificate, an endorsed certificate, a miner's certificate or a renewed certificate;
- (c) "dust exposure occupation" means,
 - (i) employment underground in a mine,
 - (ii) employment at the surface of a mine, other than at a pit or quarry, in ore or rock crushing operations where the ore or rock is not crushed in water or a chemical solution,
 - (iii) employment at other locations, as designated by the chief engineer, at the surface of a mine or in a pit or quarry;
- (d) "endorsed certificate" means an initial certificate or extended certificate that has been endorsed under clause *b* of subsection 7;
- (e) "extended certificate" means an initial certificate that has been extended under clause *a* of subsection 7;

(f) "initial certificate" means a certificate issued to an applicant under subsection 6;

R.S.O. 1960,
c. 437

(g) "medical officer" means a medical officer appointed under *The Workmen's Compensation Act* to carry out the provisions of this Act with regard to the examination of employees or applicants for employment;

(h) "miner's certificate" means a certificate issued under subsection 8;

(i) "renewed certificate" means a miner's certificate that has been renewed under subsection 9. R.S.O. 1960, c. 241, s. 167 (1), *amended*.

Employment
in dust
exposure
occupation

(2) No person shall be employed in a dust exposure occupation unless he is the holder of a certificate in good standing.

Term of
certificate

(3) Subject to subsection 4, every certificate remains in force for not more than twelve months, except that a medical officer may at any time recall the holder of a certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel the certificate in accordance with his finding upon the examination.

Examination
by travelling
medical
officer

(4) In those parts of Ontario where the examinations under subsections 6 to 9 are conducted by a travelling medical officer, no certificate shall be deemed to have expired because of the failure of the medical officer to conduct an examination prior to the date of expiration of a certificate, and the holder of a certificate that would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired.

Expiration
of
certificate

(5) Where a certificate of a person employed in the mining industry has expired because of the failure of its holder to present himself to a medical officer for examination, a medical officer may extend, endorse or renew the certificate or issue a miner's certificate, as the circumstances of the case require, if he is satisfied that the failure was caused by the inability of the holder to so present himself because of illness or other circumstances beyond his control.

Examination
before
employment

(6) Every applicant shall be examined by a medical officer before commencing employment, and, if the medical officer finds upon examination that the applicant is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation, he shall issue to the applicant an initial certificate.

(7) The holder of an initial certificate shall, prior to its expiration, present himself to a medical officer for re-examination, and, if the medical officer finds upon examination that the holder is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation, he shall,

(a) in the case of a holder who since the issuance of his initial certificate has completed less than eleven months employment in a dust exposure occupation, extend the certificate for such period as he deems necessary to permit the holder to complete twelve months employment in a dust exposure occupation, and he may from time to time extend the certificate for the same purpose; and

(b) in the case of a holder of an initial certificate who since the issuance of his initial certificate has completed eleven months or more employment in a dust exposure occupation, endorse the certificate.

(8) The holder of an endorsed certificate who since the endorsement of his initial certificate has completed eleven months or more employment in a dust exposure occupation shall, prior to its expiration, present himself to a medical officer for examination, and, if the medical officer finds upon examination that the holder is free from tuberculosis of the respiratory organs, he shall issue him a miner's certificate.

(9) The holder of a miner's certificate shall, prior to its expiration, present himself to a medical officer for re-examination, and, if the medical officer finds upon examination that the holder is free from tuberculosis of the respiratory organs, he shall renew the certificate, which may be further renewed from year to year upon the passing of a similar examination.

(10) The holder of a certificate who for any reason is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and, upon presentation of the holder's certificate, the medical officer shall conduct the required examination and effect such extension, endorsement, renewal or issuance as is warranted by his findings upon the examination.

(11) Where the holder of an initial or extended certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed, through neglect on his part, to have his certificate extended

or endorsed, such certificate is void and its holder is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Holder of
endorsed or
miner's
certificate

(12) Where the holder of an endorsed certificate or miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed, through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed, his certificate is void and the holder thereof is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Where un-
employment
exceeds
three years

(13) Where the holder of a certificate has been out of employment in the mining industry for a period exceeding three years, he is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Custody of
certificate

(14) The manager or superintendent of the mine at which the holder of a certificate is employed may require the certificate to be delivered to and left in the custody of the manager or superintendent during the period of the holder's employment at the mine, but the certificate shall be returned to the holder upon the termination of his employment at the mine.

Exemption

(15) The chief engineer may exempt from subsections 2 to 14 any mine or any person employed thereat where, in his opinion, the mine does not contain silica in quantity likely to produce silicosis or where for any other reason he is of the opinion that such subsections should not apply.

Idem

(16) Subsections 2 to 14 do not apply to a person usually employed in a dust exposure occupation for less than fifty hours in each calendar month.

Regulations

(17) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the nature of the examination to be made by a medical officer under subsections 6 to 11;
 - (b) prescribing the forms of certificates and extensions, endorsements and renewals thereof;
 - (c) generally for the better carrying out of this section.
- R.S.O. 1960, c. 241, s. 167 (2-17).

PROTECTION OF UNUSED WORKINGS

Fencing

168.—(1) Where a mine has been abandoned or the work in it has been discontinued, its owner or lessee or any other person interested in the mineral of the mine shall cause the

top of the shaft and all entrances from the surface, as well as all other pits and openings dangerous by reason of their depth or other conditions, to be and to be kept securely fenced or otherwise protected against inadvertent access to the satisfaction of the engineer, except where in his opinion the mine or workings present no greater hazard than the natural topographic features of the district.

(2) Every such person who, after notice in writing from the engineer, fails to comply with his directions as to such fencing or protection within the time specified in the notice is guilty of an offence against this Act. Failure to erect fence after notice

(3) Where the engineer finds that any such fencing or protection is required in order to avoid danger to health or property, he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs with interest thereon is a lien upon the mine or mining work of which notice in such form as the Minister prescribes may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid. When engineer may erect fence

(4) The amount of such costs with interest thereon is due from the owner or lessee to the Crown and is recoverable at the suit of the engineer in any court of competent jurisdiction. Recovery of costs of work

(5) Notwithstanding subsections 3 and 4, the Minister, either without payment or on such terms and conditions as he deems proper, may cause a cessation of charge to be registered in the proper registry or land titles office, and thereupon the lien registered under subsection 3 is void and of no effect. Discharge of fencing liens
R.S.O. 1960, c. 241, s. 168.

PROCEDURE, FATAL ACCIDENTS

169.—(1) Where a fatal accident occurs in or in connection with a mine, an inquest shall be held. Coroner to hold inquest

(2) The manager or other person in charge of a mine wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner having jurisdiction in the place where the accident occurred. Duty of manager

(3) A coroner who is in any way in the employment of the owner or lessee of a mine wherein or in connection wherewith a fatal accident occurs is ineligible to act as coroner in connection with such accident. Eligibility of coroner

Supervising
Coroner
may direct

(4) Where a fatal accident occurs in or in connection with a mine at a place that is more readily accessible to a coroner not having jurisdiction in such place than to any eligible coroner having jurisdiction thereat, the Supervising Coroner for Ontario may direct such coroner to issue his warrant and conduct an inquest, and the direction is such coroner's authority therefor.

Right of
engineer
re inquest

(5) The engineer and any person authorized to act on his behalf are entitled to be present and to examine or cross-examine any witness at an inquest held concerning a death caused by an accident at a mine, and, if the engineer or someone on his behalf is not present, the coroner shall, before proceeding with the evidence, adjourn the inquest and give the Deputy Minister not less than four days notice of the time and place at which the evidence is to be taken.

Notice of
fatal
accidents

(6) Where in or about a mine, metallurgical works, quarry, or sand, clay or gravel pit, an accident occurs that causes loss of life to a person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the engineer resident in that part of Ontario in which the accident occurred and the chief engineer by telephone or telegraph.

Scene to be
undisturbed

(7) Subject to subsection 8, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until the engineer has completed an investigation of the circumstances surrounding the accident.

Permission
to alter
scene

(8) Where it is impossible for the engineer to make an immediate investigation of an accident, the chief engineer or engineer may permit the wreckage, article and things at the scene of or connected with the accident to be moved to such extent as is necessary to permit the work of the mine, metallurgical works, quarry, or sand, clay or gravel pit, to be proceeded with, if photographs or drawings showing details of the scene of the accident have been made prior to the moving. R.S.O. 1960, c. 241, s. 169.

RESPONSIBILITY AS TO PROVISIONS

Suspension
of provision

170.—(1) Where the owner, agent or manager of a mine, by an application in writing stating the reasons therefor, requests the engineer to suspend the requirements of sections 173 to 594 as to such mine, the chief engineer may in writing direct that the requirements of any such provision do not apply to such mine, or may in writing direct that any

such provision does not apply so long as such limitations and conditions as he sees fit to impose are observed or complied with.

(2) The chief engineer may at any time cancel any order made under subsection 1 or make such alterations therein as he deems proper in view of any change in the conditions under which the order was made or upon it appearing to him that such change is advisable for any other reason. ^{Cancellation of suspension}

(3) The manager of a mine may make rules not inconsistent with any provision of this Part or any special direction made by an engineer as herein provided for the maintenance of order and discipline and the prevention of accidents in the mine, and may submit any rule so made to the chief engineer who shall lay the rules before the Minister for his approval, and, upon such approval being given, the rules take effect after they have been posted up in a conspicuous place at the mine for at least fourteen days, but the Minister may disallow any of such rules or direct such changes to be made in them as he deems proper. ^{Manager may make rules}

(4) Every such rule, after approval and when and so long as it is posted up and is legible, has the same force and effect as the provisions of this Act, and any person who contravenes any such rule is liable to the penalty provided for a breach of the provisions of this Act. ^{Offence}

(5) The owner of a working mine or works shall appoint a manager who is responsible for the control, management and direction of the mine or works. ^{Responsibility as to carrying out rules}

(6) Except as to any provisions that the chief engineer has directed are not applicable thereto, ^{Idem}

(a) the manager of the mine shall take all necessary and reasonable measures to enforce the provisions of this Part and to ensure that they are observed by every employee of the mine, and every foreman, shift boss, mine captain and department head shall take all necessary and reasonable measures to enforce the requirements of all such provisions as are applicable to the work over which he has supervision and to ensure that they are observed by the workmen under his charge and direction;

(b) every workman shall take all necessary and reasonable measures to carry out his duties in accordance with such provisions as are applicable to the work in which he is engaged; and

- (c) every person through whose neglect or wrongful act a contravention occurs shall be deemed to have incurred the penalties provided for a breach of the provisions of this Part.

Idem

(7) The manager of a working property shall appoint one or more suitable persons who are responsible, during the manager's absence, for taking all necessary and reasonable measures to enforce the requirements of subsection 6.

Owner to give facilities to manager to comply

(8) The owner or agent shall provide the manager of a mine or works with the necessary means and shall afford him every facility for complying with this Part.

Liability of contractors and sub-contractors

(9) Where work in or about a mine is let to a contractor or sub-contractor, he shall comply and enforce compliance with all the provisions of this Part pertaining to the work over which he has control and is, in any case of non-compliance therewith, guilty of an offence and punishable in like manner as if he were the owner or agent. R.S.O. 1960, c. 241, s. 170.

REQUIREMENTS

Requirements

171. Subject to section 170, sections 173 to 594 shall be observed and carried out at every mine. R.S.O. 1960, c. 241, s. 171.

Interpretation

172. In sections 173 to 594,

- (a) "blasting agent" means a type of explosive of low sensitivity that cannot, as mixed and packaged for use, be detonated by a single No. 8 detonator, and, unless specified, the requirements for explosives do not apply to a blasting agent;
- (b) "charge" means explosives or a blasting agent that may be exploded by a single detonator or a detonator and primer;
- (c) "drum hoist" means the type of hoist that spools the rope on the hoist drum;
- (d) "explosives" includes detonators and those powders that are cap sensitive with a single detonator as packaged for use, and includes black blasting powder;
- (e) "fire-resisting", when applied to buildings, structures or parts thereof, means constructed of steel, masonry, reinforced concrete or other equivalent material or any combination of such materials;

- (f) "friction hoist" means the type of hoist where the rope is driven by the friction between it and the drum tread and where the rope is not spooled on the hoist drum but passes over or around it;
- (g) "shot" means the sound of a charge or charges being exploded,

and the decision of an engineer as to whether or not a situation complies with a requirement therein in which "suitable", "adequate", "approved", or any expression of like import, is used and as to the meaning and application of any such expression is final and conclusive, and a certificate of any such decision signed by the engineer may be used as evidence in any court. R.S.O. 1960, c. 241, s. 172, *amended*.

173.—(1) It is the duty of every manager, superintendent, mine foreman, shift boss, hoistman, deckman, cagetender or skiptender, and every person in charge of workmen, or who handles explosives, or who operates, installs or has to do with maintenance of any machinery or electrical apparatus in or about a mine, to know the requirements of this Part that apply to the work in which he is engaged. Duty as to knowledge of requirements

(2) Every person employed as a foreman, meaning thereby one who is exclusively engaged in supervising the work of other men, shall be able to give and to receive and understand orders in the English language. Foreman, knowledge of English language

(3) Every person in charge as a deckman, cagetender, skiptender or hoistman shall have a knowledge of the English language adequate for enabling him to carry out his duties in a thoroughly safe manner. R.S.O. 1960, c. 241, s. 173. Other workmen, knowledge of English language

Fire Protection

174.—(1) General procedure to be followed both on surface and underground in case of fire underground or in a mine plant building that may endanger the mine entrance shall be drawn up, and all persons concerned shall be informed and kept informed of their duties. Procedure

(2) Copies of the procedure or suitable excerpts shall be kept posted in the shafthouse and other prominent places. Posting

(3) Procedures for fighting fire in surface plant buildings at a mine shall be drawn up and suitable signs pertaining to and excerpts from the procedures shall be kept posted in prominent places. Idem

Tests

(4) Tests of the effectiveness of such procedure shall be made at least once a year and a report of the effectiveness of the test shall be made available to the engineer. R.S.O. 1960, c. 241, s. 174.

Stench
warning

175.—(1) Every mine worked from shafts or adits producing over 100 tons of ore per day and such other mines as are designated by the engineer shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the chief engineer, and such apparatus shall be available at all times in a suitable location and kept ready for instant use for the purpose of warning workmen underground of any emergency necessitating a speedy evacuation of the workings.

Idem

(2) A test of the effectiveness of the procedure set out in subsection 1 of section 174 shall be made at least once a year. R.S.O. 1960, c. 241, s. 175.

Flammable
refuse

176.—(1) No flammable refuse shall be allowed to accumulate underground but shall be removed from the workings at least once a week and brought to the surface and there disposed of in a suitable manner.

Idem

(2) Flammable refuse shall not be allowed to accumulate in or about a headframe, shafthouse, portalhouse or any other plant building.

Idem

(3) Suitable metal containers for the temporary disposal of flammable refuse, such as scrap paper, oily waste, rags and other similar materials, shall be provided at all shaft stations, underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery or equipment or stores, and such containers shall be regularly emptied and the material accumulated brought to the surface and disposed of in a suitable manner.

Unused
timber

(4) All timber not in use in a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Certificate
as to
flammable
refuse

(5) Every shift boss or mine captain shall certify in writing to the mine manager at least once a week that there is no accumulation of flammable refuse underground in the area under his supervision except as reported by him.

Storage of
oil and
grease

(6) Oil, grease or other flammable material shall not be stored in a shafthouse or portalhouse, but it is permissible, if adequate precautions are taken, to have in the shafthouse or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operation.

(7) Volatile, flammable liquids shall not be stored in a shafthouse or portalhouse and such material shall be transported underground only in approved types of metal containers. ^{Volatile, flammable liquids}

(8) Oil, grease or volatile flammable liquid while underground shall be contained in suitable receptacles, and the amount of oil or grease so kept underground shall not exceed the requirements for seven days and the amount of volatile flammable liquid kept underground shall not exceed the requirements for the current day's work. R.S.O. 1960, c. 241, s. 176. ^{Oil and grease underground}

177. No person shall build, set or maintain a fire underground for any purpose unless he has proper authority and suitable instructions for so doing, and only after the necessary fire-fighting equipment has been provided. R.S.O. 1960, c. 241, s. 177. ^{Building fires prohibited}

178. Where open-flame lights are used at a mine not equipped with a headframe and shafthouse or portalhouse constructed of fire-resisting materials, the interior of the shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fire-resisting material to a height of eight feet. R.S.O. 1960, c. 241, s. 178. ^{Open-flame lights, precautions}

179. All underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery and equipment and stores and the furnishings of such shall be so located, constructed and maintained as to reduce the fire hazard to a minimum. R.S.O. 1960, c. 241, s. 179. ^{Underground structures}

180.—(1) If the engineer is of the opinion that a fire hazard may be created at a mine by smoking, or by the use of open-flame lamps, matches, or other means of producing heat or fire, he may designate the mine or part or parts of the mine as a fire hazard area. ^{Fire hazard areas}

(2) No person shall smoke or be allowed to smoke, use open-flame lamps, matches or other means of producing heat or fire in such areas except with the permission in writing of the engineer and under such conditions as he deems proper. ^{Idem}

(3) Such fire hazard areas shall be properly identified by suitable warning signs. ^{Idem}

(4) The owner or manager shall cause such signs to be installed and maintained as long as the area is so designated. R.S.O. 1960, c. 241, s. 180. ^{Idem}

When
flammable
gas en-
countered
in mine

181. When a flammable gas in dangerous concentrations has been found to exist in a mine working, such working or the parts of such working concerned shall immediately be considered a fire hazard area, and every precaution shall be taken while clearing the area or doing any work therein to prevent ignition of the gas and these precautions shall be continued as long as the hazard exists. R.S.O. 1960, c. 241, s. 181.

Fire-fighting
equipment

182.—(1) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shaft-house, portalhouse and every other plant building and at every shaft or winze station underground.

Idem

(2) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, pump stations, tipples and underground electrical installations except where, in the opinion of the engineer, no fire hazard exists.

Idem

(3) A properly authorized person or persons shall make a monthly inspection of all fire-fighting equipment and shall make a report in writing to the manager stating that such examination has been made and certifying as to the conditions found. R.S.O. 1960, c. 241, s. 182.

Storage of
carbide

183.—(1) Calcium carbide shall be stored on the surface only in a suitable, dry place, other than the shafthouse or portalhouse or changehouse, and in its original unopened container.

Distribution
of carbide

(2) For the purpose of distributing calcium carbide, adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater, shall be made at every mine.

Idem

(3) Such distribution shall not take place in a shafthouse, portalhouse or changehouse unless such structure is fire-resisting but shall be provided for by the installation of a suitable distribution centre not closer than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

Handling
of
carbide

(4) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no calcium carbide shall be taken underground except in suitable containers. R.S.O. 1960, c. 241, s. 183.

Fire pro-
tection
where
torches
used

184. Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in a headframe, shafthouse, portalhouse or other building in which a fire may endanger the mine entrance or the underground

workings of a mine, suitable measures for protection against fire shall be adopted and rigidly adhered to. R.S.O. 1960, c. 241, s. 184.

185.—(1) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators and manifolds, shall be disconnected from the cylinders and the valves shall be protected in a suitable manner. Underground transportation of compressed gases

(2) Any such removable protective device shall be replaced at any time a cylinder is left unattended or before a cylinder is moved to a new location. Idem

(3) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the workman operating the nozzle equipment, a second competent person shall be employed at all times to attend to the operation of the cylinder-control devices. Operation of welding and cutting torches

(4) In all cases where cylinders of compressed gas are used underground for the purpose of supplying cutting or welding equipment, special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment. R.S.O. 1960, c. 241, s. 185. Compressed gas

186. No device for the generation of gas, such as acetylene for supplying cutting or welding equipment, shall be used in the underground workings of a mine. R.S.O. 1960, c. 241, s. 186. Generation of gas underground forbidden

187.—(1) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced, there shall be provided and maintained, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore extracted, a separate escapement exit.

(2) Such exit shall not be less than fifty feet from the main entrance to the mine and any structure covering such exit shall be of such material and so constructed to reduce the fire hazard to a minimum. Location of exit

(3) If such an escapement exit is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced and shall be diligently prosecuted until it is completed, and means of escapement, other When necessary

than the main outlet of the mine, shall be provided to and connected with the lowest level on which stopping operations are being carried on.

Size of exit

(4) The escapement exit shall be of sufficient size to afford an easy passageway and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.

Monthly exit inspection

(5) The manager shall depute some competent person or persons to make an inspection of such escapement exit at least once a month.

Record of inspection

(6) A record of such inspection and the conditions found shall be made in writing by the person making it.

Legible signs showing exits

(7) Legible signs showing the way to escapement exits shall be posted in prominent places underground and all workmen shall be instructed as to the location of the escapement exits. R.S.O. 1960, c. 241, s. 187.

Buildings in proximity to mine entrance

188. Unless there is first provided a second means of exit from the mine workings, no building of other than fire-resisting construction shall be erected within fifty feet of any closed-in part of a headframe or portalhouse, except that the building housing the hoist and power plant equipment may be erected within this distance so long as such distance is not less than thirty-five feet. R.S.O. 1960, c. 241, s. 188.

Auxiliary exits for plant buildings

189.—(1) All plant buildings where men are regularly employed, except those buildings used for explosives, shall have suitable and adequate auxiliary exits in addition to the main entrance.

Availability

(2) Such auxiliary exits shall be maintained for use in case of fire. R.S.O. 1960, c. 241, s. 189.

Location of boilers and diesel engines

190. No steam boiler or diesel engine shall be installed in such a manner that any part thereof is within seventy-five feet of the centre line of the collar of a shaft or other entrance to a mine. R.S.O. 1960, c. 241, s. 190.

Location of internal combustion engines

191. No gasoline or other internal combustion engine using highly volatile liquids or flammable gases shall be installed within fifty feet of the building housing the hoist nor within 100 feet of the centre line of the collar of a shaft or other entrance to a mine. R.S.O. 1960, c. 241, s. 191.

Exhaust of internal combustion engines

192.—(1) Where an internal combustion engine is installed at a mine, provision shall be made for safely conducting the exhaust of such engine to a point well outside the building.

(2) The exhaust shall be so arranged as to avert the possibility of fumes re-entering the building or entering the intake of an air compressor or contaminating the atmosphere of any adjacent buildings or the mine workings. R.S.O. 1960, c. 241, s. 192.

193.—(1) Except for the actual fuel tanks of operating equipment, no storage of gasoline or liquid fuel shall be permitted within 100 feet of the collar of a shaft or other entrance of a mine. ^{Storage of liquid fuels}

(2) The natural drainage from such a location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance. R.S.O. 1960, c. 241, s. 193. ^{Idem}

194.—(1) The fuel tanks of an internal combustion engine installed in a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point outside the building and the fuel is conducted to the tank in a tightly-jointed pipe or conduit. ^{Transfer of liquid fuel}

(2) Similar provisions for the escape of displaced air from the fuel tank shall be made whereby the displaced air will be conducted to a safe point outside the building before being discharged into the atmosphere. ^{Idem}

(3) The transfer of liquid fuels from one container to another by the direct application of air under pressure shall not be permitted, except where properly designed and tested equipment is used for this purpose. R.S.O. 1960, c. 241, s. 194. ^{Idem}

195.—(1) Where practicable, there shall be a sufficient number of fire doors installed underground to cut off the shaft and the mine openings directly associated with it from the other workings of the mine. ^{Fire doors}

(2) Fire doors shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times. R.S.O. 1960, c. 241, s. 195, *amended*. ^{Properly maintained}

196. Where the chief engineer deems it necessary or advisable for the protection of workmen employed underground, he may order refuge stations to be provided and maintained at such places in the mine as he directs, and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station. R.S.O. 1960, c. 241, s. 196. ^{Refuge stations}

Connection
between
mines

197.—(1) Where the chief engineer deems it necessary or advisable for the protection of workmen employed underground, he may recommend in writing to the Minister that a connection between mines be established at such places as he deems advisable and he may further recommend that such connection be so made and equipped as to constitute a refuge station or refuge stations.

Idem

(2) Upon the approval by the Minister of any such recommendation, a copy thereof, accompanied by a copy of this section, shall be served personally upon or sent by registered mail to the owner or the agent and the manager of each of the mines affected.

Committee

(3) Upon the approval of such a recommendation of the chief engineer, the Minister may in writing signed by him direct each of the mining companies concerned to appoint a representative to act in its behalf on a committee under the chairmanship of a third party, who shall be a mining engineer recommended by the chief engineer and appointed to the chairmanship of the committee by the Minister, and the committee shall determine,

- (a) the design, specifications and location of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;
- (b) the work to be done by each of the mines affected and the proportion in which the cost of the work and of establishing and maintaining the connection shall be borne by the owners of the mines affected;
- (c) the time at which the work in compliance herewith shall be commenced and completed;
- (d) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected; and
- (e) such other provisions or requirements as in the premises they deem necessary or advisable.

Idem

(4) The committee shall submit a report in writing to the Minister, and a report of the majority of the committee shall be deemed to be the finding of the committee.

Idem

(5) Upon the approval by the Minister of the report of the committee, the chief engineer may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any are recommended) in accordance with the terms of the report.

(6) A copy of the report shall be attached to the order and ^{idem} forms a part thereof.

(7) No such order is subject to appeal upon any ground ^{idem} whatsoever and is enforceable in the same manner as any order of the chief engineer. R.S.O. 1960, c. 241, s. 197.

Aid to Injured

198.—(1) At every mine, there shall be maintained a ^{Stretchers} sufficient number of properly-constructed stretchers for the proper handling and transporting of persons who are injured in the discharge of their duties about the mine.

(2) There shall be provided and maintained at every mine ^{First aid supplies} for the treatment of any person injured such first aid supplies as are required by the regulations under *The Workmen's Compensation Act*. R.S.O. 1960, c. 437, s. 198.

Handling Water

199. Every working mine shall be provided with suitable ^{Removal of water from mine workings} and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of workmen in the mine or in any adjoining mine. R.S.O. 1960, c. 241, s. 199.

200. Where there is or may be an accumulation of water, ^{Precautions against flow of water} any working approaching the same shall have bore holes kept in advance, and such additional precautionary measures shall be taken as are deemed necessary to obviate the danger of a sudden breaking-through of the water. R.S.O. 1960, c. 241, s. 200.

201. A bulkhead or other suitable stop shall be placed in ^{Bulkhead in sump} every working shaft to prevent that part of the hoisting conveyance carrying men from being inadvertently lowered into water in the sump of the shaft. R.S.O. 1960, c. 241, s. 201.

202.—(1) For the purposes of this section, ^{Interpretation}

(a) "bulkhead" means any structure built for the purpose of impounding water or confining air under pressure in a drift, crosscut or any other mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening;

(b) "dam" means a structure built for the purpose of impounding water in a drift, crosscut or other mine opening and built in such a manner as to permit an unobstructed overflow of the water.

Location of
bulkhead
and dam

(2) The location of every underground bulkhead and dam within the meaning of this section shall be clearly shown on the mine plans.

Permission
necessary,
for dam

(3) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground without the written permission of the chief engineer and then only when constructed in accordance with plans and specifications that have been approved by him.

for bulkhead

(4) No bulkhead shall be constructed underground without the written permission of the chief engineer and then only when constructed in accordance with plans and specifications that have been approved by him.

Completion
of bulkhead

(5) On the completion of the installation of a bulkhead, the manager shall immediately notify the chief engineer that it has been completed. R.S.O. 1960, c. 241, s. 202.

Ventilation

Ventilation

203.—(1) The ventilation in every mine shall be such that the air in all of its workings, which are in use or are to be used by workmen or others, shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in the mine.

Mechanical
ventilation

(2) In mine workings where such conditions cannot be obtained by natural ventilation, approved means for mechanical ventilation shall be provided and kept in operation until the workings have been abandoned or until satisfactory natural ventilation has been brought about therein.

Idem

(3) All structures containing fans used in connection with the underground ventilation of a mine shall be of such construction as to reduce the fire hazard to a minimum. R.S.O. 1960, c. 241, s. 203.

Unused
workings to
be tested
for gas

204. Underground workings that have been in disuse for some time and that are not in the main ventilation circuit shall be examined before being again used in order to ascertain whether dangerous gases have accumulated there or whether an oxygen deficiency exists, and only such workmen as are necessary to make the examination shall be allowed to proceed to such places until the places are safe to work or travel in. R.S.O. 1960, c. 241, s. 204.

Internal
combustion
engine
underground

205.—(1) No internal combustion engine shall be installed or operated in a shaft or adit, or in any working in connection with a shaft or adit, unless permission in writing from the chief engineer is first obtained.

(2) No internal combustion engine shall be installed or ^{Idem} operated in any clay, sand or gravel pit or in any quarry or other open pit working designated by an engineer as unsafe for this purpose. R.S.O. 1960, c. 241, s. 205.

Sanitation

206. The manager of a mine shall provide or cause to be ^{Sanitary conveniences} provided on the surface and in the underground workings sufficient and suitable sanitary conveniences in accordance with the following requirements:

1. Where men are employed underground, one sanitary convenience shall be provided for every twenty-five persons or portion thereof on any shift.
2. Where men are employed on surface, one sanitary convenience and one urinal shall be provided for every twenty-five persons or portion thereof on any shift.
3. Where women are employed, separate toilets with entirely separate entrances from those furnished the men shall be provided.
4. One toilet shall be provided for every fifteen women or portion thereof on any shift.
5. Such rooms shall be clearly marked as to the sex for which they are provided. R.S.O. 1960, c. 241, s. 206.

207.—(1) Sanitary conveniences underground shall be, ^{Idem}

- (a) conveniently placed, having regard to the number of men employed on the different levels;
- (b) placed in a well-ventilated part of the mine;
- (c) kept clean and sanitary; and
- (d) suitably disposed of regularly.

(2) Sanitary conveniences, urinals and toilets on surface ^{Idem} shall be kept clean and sanitary. R.S.O. 1960, c. 241, s. 207.

208. Any person depositing faeces in any place under-^{Idem} ground, other than in the sanitary conveniences provided, is guilty of an offence against this Act. R.S.O. 1960, c. 241, s. 208.

209. A supply of wholesome drinking water shall be pro-^{Drinking water} vided both on surface and underground at points reasonably accessible to the working places. R.S.O. 1960, c. 241, s. 209.

Dressing
room

210.—(1) If men are employed underground or in hot or dusty occupations on surface at a mine or works, suitable and sufficient accommodation, including supplies of clean, cold and warm water for washing, shall be provided above-ground near the principal entrance of the mine or works for enabling the persons employed to conveniently dry and change their clothes.

Location
of
dressing
room

(2) Such accommodation, unless of fire-resisting construction, shall not be nearer than fifty feet to a shafthouse or portalhouse and it shall not be located in a hoistroom or boilerhouse except where a separate, properly-constructed room is provided. R.S.O. 1960, c. 241, s. 210.

Care and Use of Explosives and Blasting Agents

Precaution
to be
taken

211. Every possible precaution shall be taken in the handling and transportation of explosives and blasting agents. R.S.O. 1960, c. 241, s. 211, *amended*.

Marking of
explosives

212. No explosive shall be used at a mine unless there are plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, the strength of the explosive and the date of its manufacture. R.S.O. 1960, c. 241, s. 212.

Fume classi-
fication of
explosives

213.—(1) Only explosives in Fume Class I as established by the Explosives Division of the Department of Mines and Technical Surveys of Canada or explosives and blasting agents as permitted by the chief engineer shall be used underground.

Preparation
of blasting
agent

(2) The preparation of a blasting agent on a mining property, except when prepared by a properly-authorized manufacturer of explosives or blasting agents, shall be done only with the permission of the chief engineer in writing. R.S.O. 1960, c. 241, s. 213, *amended*.

Defective
explosives
to be
reported

214. Every case of supposedly defective fuse, detonator or blasting cap, or explosive, shall be reported to an engineer with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of such fuse, detonator or blasting cap, or explosive, along with all other pertinent information available. R.S.O. 1960, c. 241, s. 214.

Storage of
explosives
and
blasting
agents

215.—(1) Except as otherwise provided, all explosives and blasting agents and all detonators or blasting caps shall be stored on surface in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses. R.S.O. 1960, c. 241, s. 215 (1), *amended*.

- (2) Every such building shall be under the direction of the manager or a person authorized by him. Storage under authorized person
- (3) No such building shall be erected or maintained at a mine except with the written permission of an engineer, nor until the site of the building and the style of structure have been approved by him. R.S.O. 1960, c. 241, s. 215 (2, 3). Permission, necessary before construction
- (4) Such written permission shall state the maximum quantity and kind of explosive or blasting agent that may be stored in the building. R.S.O. 1960, c. 241, s. 215 (4), *amended*. to state quantity
- (5) The permission shall be posted in the building. posting
- (6) Where possible, every such building shall be located in accordance with the British Table of Distances in respect of its distance from the mine or works or any other buildings or any public highway or public railway. British Table of Distances
- (7) Where conditions are such that it is impossible to locate such buildings in accordance with the British Table of Distances, the mine manager and an engineer shall jointly choose the most suitable location. R.S.O. 1960, c. 241, s. 215 (5-7). Idem
- (8) Storages for blasting agents may contain three times the quantity of blasting agent as compared to explosives as set by the British Table of Distances. Storages for blasting agents
- (9) Where explosives and blasting agents are stored together, the lesser limit of storage shall apply. *New*. Idem
- (10) Every such building shall be constructed of such materials as to ensure as far as possible against accident from any cause. R.S.O. 1960, c. 241, s. 215 (8). Materials used in building
- (11) The requirements in reference to the care and use of explosives and blasting agents shall be kept posted up inside every such building. Requirements to be posted
- (12) Every such building shall be kept securely locked at all times that the attendant is not present and it shall be clearly indicated by one or more easily-visible signs that explosives or blasting agents are stored therein. R.S.O. 1960, c. 241, s. 215 (9, 10), *amended*. Buildings locked, and signs
- (13) Such sign or signs shall be posted beside the road approaches to the building at least eight feet above the ground and twenty-five feet distant from the entrance. R.S.O. 1960, c. 241, s. 215 (11). Posting of signs

Storages
to be
clean, etc.

216. All explosive, blasting agent, detonator or fuse storages at or in a mine shall be kept clean, dry and free from grit at all times. R.S.O. 1960, c. 241, s. 216, *amended*.

Floors
and
shelves

217. Floors and shelves of magazines and thaw houses shall be treated with a suitable neutralizing agent, whenever necessary, to remove any traces of explosive substances. R.S.O. 1960, c. 241, s. 217.

What
explosives
to be
used first

218.—(1) When supplies of explosives or blasting agents are removed from a magazine, those that have been longest in the magazine shall be used first, provided they are not defective.

Defective
explosives
and blasting
agents

(2) In all cases where explosives or blasting agents have become defective, they shall be suitably and safely disposed of. R.S.O. 1960, c. 241, s. 218, *amended*.

Disposal
of defective
explosives
and blasting
agents

(3) An engineer may, if he deems it necessary to protect life or property, arrange for the disposal of defective or abandoned explosives or blasting agents, and the amount of costs so incurred shall be due to the Crown from the owner and recoverable in any court of competent jurisdiction. *New*.

Opening
cases

219. Only implements of wood or fibre shall be used in opening cases that contain explosives. R.S.O. 1960, c. 241, s. 219.

Storage of
explosives
and blasting
agents
underground

220.—(1) Explosives or blasting agents, including caps, fuse and igniter cord, shall not be stored underground in excess of the necessary underground supply for forty-eight hours.

Storage
capacity

(2) In no case shall an amount exceeding 300 pounds of explosive or 900 pounds of blasting agent be stored in any one place underground without the written permission of an engineer.

Written
permission
for increased
capacity

(3) With the written permission of an engineer and subject to such conditions as he prescribes, other underground explosive storages may be established, but in no case shall more than 1,000 pounds of explosive or 3,000 pounds of blasting agent be stored in any one storage place.

Idem

(4) Where explosives and blasting agents are stored together, the lesser limit of storage shall apply.

Suitable
storage

(5) Explosives or blasting agents stored underground shall be kept in suitable containers or storage places in suitable locations.

(6) In no case shall explosives or blasting agents be stored in places where there is a possibility of a train or car colliding with the containers of the explosives or blasting agents. ^{Protection from trains, etc.}

(7) Where explosives or blasting agents in excess of what ^{Idem} may be stored in approved underground storages are required for such operations as longhole blasts, etc., only such quantities as can be loaded in a twenty-four hour period shall be kept underground at any time for such blast.

(8) Any explosives or blasting agents not loaded at the ^{Idem} end of a shift shall be stored in accordance with this section or be adequately guarded. R.S.O. 1960, c. 241, s. 220, *amended*.

221. No explosive or blasting agent shall be stored within 200 feet of a shaft station or transformer station underground. ^{Location of storage}
R.S.O. 1960, c. 241, s. 221, *amended*.

222.—(1) Detonators or blasting caps or igniter cord shall not be stored in the same receptacle or storage building as other explosives or blasting agents. ^{Storage of detonators}

(2) Detonators or blasting caps or capped fuses or igniter cord, while stored in underground workings, shall be kept in separate, suitable, closed containers or storage places. ^{Separate containers}

(3) Such containers or storage places shall not be located within twenty-five feet of any other explosives or blasting agents. ^{Idem}
R.S.O. 1960, c. 241, s. 222, *amended*.

223.—(1) No flame-type light shall be taken within twenty-five feet of any building or place on surface in which explosives or blasting agents are stored. ^{Open-flame lamps}

(2) No flame-type light shall be taken within ten feet of any place underground where explosives or blasting agents are stored unless a suitable, safe arrangement for the placing of such light is provided. ^{Idem}

(3) No person shall smoke in any place or building where explosives or blasting agents are stored or while handling explosives or blasting agents. ^{Smoking}
R.S.O. 1960, c. 241, s. 223, *amended*.

224.—(1) A properly authorized person or persons shall make a thorough weekly inspection of all explosives or blasting agents, explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine used for the purpose of storing explosives or blasting ^{Inspection of storage places}

agents or detonators or blasting caps and shall make a report in writing to the manager stating that such inspection has been made and certifying as to the conditions found.

Unsuitable
conditions
rectified

(2) The manager shall take immediate steps to correct any unsuitable conditions found and to properly dispose of any deteriorated explosives or blasting agents.

Careless
acts

(3) The manager shall make a prompt investigation when an act of careless placing or handling of explosives or blasting agents is discovered by or reported to him.

Report of
carelessness
to engineer

(4) Any employee who commits a careless act with an explosive or blasting agent or where explosives or blasting agents are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine, is guilty of an offence against this Act, and the officer in charge of the mine shall immediately report such offence to the engineer or to the Crown attorney of the county or district in which the mine is situate. R.S.O. 1960, c. 241, s. 224, *amended*.

Disposal of
explosives at
shut-down
mine

225. When a mine is closed down, all explosives or blasting agents, fuse, detonators and blasting caps shall be disposed of and no explosive or blasting agent shall be stored at any such closed-down mine without the written permission of the chief engineer. R.S.O. 1960, c. 241, s. 225, *amended*.

Written
permission

226. No person shall take away from a mine any explosive or blasting agent, fuse or detonator or blasting cap without the written permission of the manager or of such person as is authorized by the manager to give such permission. R.S.O. 1960, c. 241, s. 226, *amended*.

Thaw
houses

227.—(1) No building for thawing explosives shall be maintained in connection with a mine except with the written permission of an engineer.

Approval
of building

(2) The building shall be above ground, and the site of the building and the style of the structure and equipment shall be subject to the approval of an engineer.

Quantity
stored

(3) The quantity of explosive kept in a thaw house at any time shall not exceed the requirements of the mine for a period of twenty-four hours plus the amount that may be necessary to maintain that supply, but an engineer may give permission in writing to store a quantity not in excess of the permitted capacity of the building if, in his opinion, the heating equipment is such that the temperature can be controlled within approved safe limits.

(4) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof kept, but, where the amount of explosives in such thawing room does not exceed 200 pounds at any one time, an engineer may give permission in writing to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperatures be made and kept on file for at least one year. ^{Thermometer in thaw house}

(5) All such records shall be made available to an engineer. *Idem* R.S.O. 1960, c. 241, s. 227.

228. In no case shall explosives be thawed near an open fire or steam boiler or by direct contact with steam or hot water. *Prohibition*
R.S.O. 1960, c. 241, s. 228, *amended*.

229.—(1) This section applies only on mining properties and only on surface. ^{Transportation of explosives and blasting agents on surface}

(2) Every motor vehicle used for carrying explosives or blasting agents shall be maintained in sound mechanical condition in all respects. *Idem*

(3) Every such motor vehicle shall be conspicuously marked by suitable signs or red flags easily visible from front and rear. *Idem*

(4) The metal parts of every such vehicle that may come in contact with containers of explosives or blasting agents shall be suitably covered with wood, tarpaulin or other suitable material. *Idem*

(5) No other goods or materials shall be carried in or on any vehicle in which explosives or blasting agents are being carried. *Idem*

(6) Every motor vehicle transporting more than 150 pounds of explosives or blasting agents shall be equipped with a fire extinguisher in working order, of adequate size and capable of dealing with a gasoline or oil fire. *Idem*

(7) No motor vehicle shall be loaded with more than 80 per cent of its carrying capacity when carrying explosives or more than 100 per cent of its carrying capacity when carrying blasting agents. *Idem*

(8) Explosives or blasting agents carried on vehicles shall be so secured or fastened as to prevent any part of the load from becoming dislodged. *Idem*

Idem (9) Detonators shall not be carried in the same vehicle as other explosives or blasting agents except in a suitable container in a separated compartment, and in such case the number shall not exceed 1,000 detonators.

Idem (10) A vehicle carrying explosives or blasting agents shall not be left unattended.

Idem (11) Only those persons necessary for the handling of explosives or blasting agents shall travel on a vehicle that is carrying explosives or blasting agents.

Idem (12) There shall be no smoking by persons on a vehicle that is transporting explosives or blasting agents. R.S.O. 1960, c. 241, s. 229, *amended*.

Transportation of explosives or blasting agents in shaft 230.—(1) When the day's supply of explosives or blasting agents is being transported in a shaft conveyance, the person in charge of such operation shall give or cause to be given notice of the same to the deckman and hoistman.

Authorization to handle (2) No person shall,

(a) place in;

(b) have while in; or

(c) take out of,

the shaft conveyance any explosives or blasting agents except under the immediate supervision of a person authorized for the purpose by the manager, superintendent, foreman or shift boss.

No other material in conveyance (3) No other material shall be transported with explosives or blasting agents in a shaft conveyance. R.S.O. 1960, c. 241, s. 230, *amended*.

Transfer of explosives or blasting agents from storage places 231.—(1) The transfer of explosives or blasting agents from the magazine or other surface storage place shall be so arranged that no undue delay shall occur between the time the explosives or blasting agents leave the surface storage place and the time they are properly stored in designated storage places in the mine or distributed to points of use in the mine.

Transfer without undue delay (2) Explosives or blasting agents shall not be left at a level station or near the shaft collar or other entrance to the mine but shall be transferred from a designated storage place to other designated storage places or points of use without undue delay. R.S.O. 1960, c. 241, s. 231, *amended*.

232.—(1) Primers shall be made up as near to their point of use as is practicable in the interests of safety and only in sufficient numbers for the immediate work in hand. ^{Transportation of detonators}

(2) Detonators or blasting caps, capped fuses, made-up primers, igniter cord or other explosives or blasting agents shall not be transported in a conveyance either on surface or underground unless placed in separate, suitable, closed containers. ^{Suitable containers}

(3) A workman may carry capped fuses with other explosives or blasting agents from the nearest storage places to a point of use without placing them in a container, if they are kept separate from the other explosives or blasting agents. ^{Kept separate from other explosives or blasting agents}

(4) In no case shall made-up primers be transported or carried unless placed in separate, suitable, closed containers. ^{Made-up primers}
R.S.O. 1960, c. 241, s. 232, *amended*.

233.—(1) Where explosives or blasting agents are transported in mine workings by means of mechanical haulage, including trackless equipment, the speed of the vehicle shall not exceed 4 miles an hour and definite arrangements for the right of way of the vehicle carrying explosives or blasting agents shall be made before the vehicle is moved. ^{Transportation underground}

(2) Where mechanical track haulage is used, the locomotive shall be maintained on the forward end of the train carrying explosives or blasting agents unless some person walks in advance of the train to effectively guard it. ^{Idem}

(3) In track haulage, the car or cars carrying explosives or blasting agents shall be separated from the locomotive by an empty car or spacer of equivalent length, but in no case shall explosives or blasting agents be carried on the locomotive. ^{Idem}

(4) Where a trolley locomotive is used for the haulage of explosives or blasting agents in a mine, the car or cars carrying explosives or blasting agents shall be protected from trolley-wire contact and other existing hazards. ^{Trolley-locomotive haulage}

(5) Where trackless equipment is used for the transportation of explosives or blasting agents underground, the requirements of section 229 apply. ^{Trackless equipment used}
R.S.O. 1960, c. 241, s. 233, *amended*.

234. Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to an engineer, who shall decide upon the time at which blasting operations thereon may be performed, ^{Blasting on contiguous claims}

and his decision is final and conclusive and shall be observed by them in future blasting operations. R.S.O. 1960, c. 241, s. 234.

Explosives
not to be
removed
from original
container

235. No explosive shall be removed from its original paper container or cartridge. R.S.O. 1960, c. 241, s. 235.

Blasting of
roast heaps

236. No explosive shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge. R.S.O. 1960, c. 241, s. 236.

Size of
drill holes

237. All drill holes shall be of sufficient size to admit of the free insertion to the bottom of the hole of a cartridge of explosive. R.S.O. 1960, c. 241, s. 237, *amended*.

No iron or
steel tool

238. In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives. R.S.O. 1960, c. 241, s. 238.

Procedure
before
drilling

239.—(1) Before drilling is commenced in a working place, the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms.

Bootleg
holes

(2) No drilling shall be done within six inches of any hole that has been charged and blasted or any remnant of such hole. R.S.O. 1960, c. 241, s. 239 (1, 2).

Hole
containing
explosives,
etc.

(3) No drilling shall be done within five feet of any hole containing explosives or blasting agents. R.S.O. 1960, c. 241, s. 239 (3), *amended*.

Precautions
when
loading

(4) Drilling or undercutting and charging operations underground shall not be carried on simultaneously on the same face above or below each other or within twenty-five feet horizontal distance. *New*.

Due warning
required

240.—(1) Every workman shall, before blasting, give or cause to be given due warning in every direction by shouting "Fire" and shall satisfy himself that all persons have left the working place or the vicinity except those required to assist him in blasting and guarding.

In pits
and
quarries

(2) In open pits or quarries where the extent of the operation or the exposure of persons renders the warning required under subsection 1 ineffective, due warning shall be given of a primary blast by siren or its equivalent in an approved manner, in addition to guarding as required by section 241. R.S.O. 1960, c. 241, s. 240.

241.—(1) Every workman shall, before blasting, cause all entrances or approaches to the place or places where the blasting is to be done, or where the safety of persons may be endangered by the blasting, to be effectively guarded so as to prevent inadvertent access to such place or places while the charges are being blasted. ^{Guarding entrances where blasting is done}

(2) Subject to permission having been obtained, when required, from the appropriate authority, where it is necessary to stop traffic on a public road during a blasting operation, an adequate number of flagmen equipped with suitable red flags shall be posted and signs, such as "DANGER", "BLASTING" or "STOP FOR FLAGMAN", shall be posted along the road at suitable locations to warn traffic approaching the flagman guarding the area. ^{Guarding roads}

(3) Posting of signs shall not be deemed to be adequate protection to warn of blasting operations. R.S.O. 1960, c. 241, s. 241. ^{Signs not adequate}

242. Where possible, no connection between mine workings shall be made until a thorough examination of the workings towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner, and such point of connection shall be guarded as an entry when blasting within twice the length of the longest drill steel used or a minimum of fifteen feet of breaking through. R.S.O. 1960, c. 241, s. 242. ^{Breaking through to mine workings}

243. Except where fired electrically, no fuse shorter than three feet shall be used in any blasting operation, nor shall any fuse be lighted at a point closer than three feet from the capped end. R.S.O. 1960, c. 241, s. 243. ^{Length of fuse}

244.—(1) Where safety fuse has been used in connection with a blast and where two or more shots are fired, no blaster or other person shall leave or be permitted to leave his place of refuge from the blast and return to the scene of the blast within the number of minutes that are equal to twice the number of feet in the longest fuse used in the blasting operation. ^{Interval before return to scene of blast}

(2) Such time shall be calculated from the time when the last shot is heard. ^{Idem}

(3) Where the firing has been done by means of electric delay-action detonators and any shot has been heard, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of any blast within ten minutes of the time at which the blasting circuit is closed. ^{Firing done electrically}

- Idem (4) Except when no shot is heard and a faulty circuit is indicated, the circuit may be repaired immediately after the blaster has assured himself that the blasting switch is locked in the open position and the lead wires are short-circuited.
- Misfire or missed hole (5) In the case of a supposed misfire or missed hole in a blasting operation, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of the blast within thirty minutes of the time he has reached his place of refuge after the lighting of the fuse or fuses or the closing of the blasting circuit. R.S.O. 1960, c. 241, s. 244.
- Detonator required 245. No hole shall be charged with explosives or blasting agents unless a properly-prepared detonating agent is placed in the charge and shall be fired in its proper sequence in the firing of the round. R.S.O. 1960, c. 241, s. 245, *amended*.
- Firing required 246.—(1) All holes that are charged with explosives or blasting agents in one loading operation shall be fired in one blasting operation.
- Idem (2) Any hole that has been charged with explosives or blasting agents, or any explosive charge that has been set, shall not be left unfired but shall be fired at the time for blasting required by the approved practice of the mine. R.S.O. 1960, c. 241, s. 246, *amended*.
- Safety fuse 247. Where safety fuse is used in a blasting operation,
- (a) suitably capped fuses shall be supplied to the workmen in standard, uniform and safe lengths for the operation at hand;
 - (b) the uncapped ends of all fuses for use in a mine shall be suitably identified. R.S.O. 1960, c. 241, s. 247.
- Lighting fuses 248.—(1) In every case where more than one charge is to be fired, each fuse connected to a charge of explosives or blasting agents shall be lighted with a suitably-timed spitting device. R.S.O. 1960, c. 241, s. 248 (1), *amended*.
- Number of men, lights (2) Where more than one charge is to be fired, no workman shall be permitted to conduct any blasting operation unless he is accompanied by one or more other workmen.
- Idem (3) Each workman shall carry a light unless the blasting operation is conducted on surface in daylight or under artificial light. R.S.O. 1960, c. 241, s. 248 (2, 3).

249. Before returning to the scene of a blasting operation, every workman shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation. Ventilation of working places after blasting
R.S.O. 1960, c. 241, s. 249.

250.—(1) Where blasting is done in a raise or stope, proper precautions shall be taken to prevent closing of the means of entrance to the working place or interference with the effective circulation of air following the blast by the broken material produced by the blast. Protection of entrance of working place

(2) In the case of a single-compartment raise or box-hole where material from the blast may block the means of entrance, proper precautions shall be taken to ensure the adequate ventilation of the working place before workmen enter it. Idem
R.S.O. 1960, c. 241, s. 250.

251.—(1) When a workman fires any charges, he shall, where possible, count the number of shots. Reporting of missed holes

(2) If a shot is missing, he shall report it to the mine captain or shift boss. Idem

(3) If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of workmen going into that working place before work is commenced by them. Idem
R.S.O. 1960, c. 241, s. 251 (1-3).

(4) Any charge of explosives that has missed fire shall not be withdrawn but shall be blasted at a proper time and without undue delay. Missed hole to be blasted
R.S.O. 1960, c. 241, s. 251 (4), *amended*.

(5) Any charge of blasting agent that has missed fire may be washed out of the hole. Idem *New*.

(6) No development heading shall be abandoned or work therein discontinued until the material broken at the firing of the last round has been cleared from the face and the whole face of the heading examined for explosives or blasting agents in missed or cut-off holes. Examination of missed or cut-off hole
R.S.O. 1960, c. 241, s. 251 (5), *amended*.

252.—(1) After the first ten feet of advance has been made in a shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting Where electric blasting required

is being done, all blasting in the shaft, winze, station or other workings being driven therefrom shall be done by means of an electric current.

In raises
over 50°

(2) In any raise, inclined at over 50 degrees from the horizontal, after twenty-five feet of advance has been made, or in any raise where free escape is not ensured at all times, all blasting shall be done by means of an electric current. R.S.O. 1960, c. 241, s. 252.

Electric
current to be
disconnected
after
blasting

253. Where blasting is done by electricity, a workman shall not enter or allow other persons to enter the place where the charges have been fired until he has disconnected and short-circuited the firing cables or wires from the blasting machine or portable direct-current battery or has assured himself that the switch of the approved blasting switch is open, the firing cables or wires short-circuited and the blasting box locked. R.S.O. 1960, c. 241, s. 253.

Approved
firing device

254. Unless permission in writing is first obtained from the chief engineer, with approval of the proposed arrangements necessary for special cases,

- (a) where electricity from lighting or power cables is used for firing charges, a fixed device of a design certified by the electrical engineer as meeting the requirements of section 546 shall be used;
- (b) one such device shall be maintained for each individual working place in which firing is done by means of electricity from lighting or power cables. R.S.O. 1960, c. 241, s. 254.

Blasting by
direct-
current or
blasting
machine

255. Where the source of current is a portable direct-current battery or a blasting machine, the firing cables or wires shall not be connected to the source of current until immediately before they are required for firing the charges and shall be disconnected immediately after the connection has been made or the machine operated for firing the charges. R.S.O. 1960, c. 241, s. 255.

Lead wires
short-
circuited

256.—(1) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are being connected to each other and to the firing cables.

Idem

(2) The short-circuit shall not be removed until the men have retreated from the face and it shall be so located that a premature explosion would be harmless to the men opening the short-circuit.

(3) The short-circuit shall be replaced immediately after ^{Idem} the cables have been disconnected from the blasting machine or the blasting switch has been opened. R.S.O. 1960, c. 241, s. 256.

257.—(1) The firing cables or wires used for firing charges ^{Firing cables} at one working place shall not be used for firing charges in another working place until all proper precautions have been taken to ensure that such firing cables or wires have no connection with the leads from the first working place.

(2) When firing cables or wires are used in the vicinity of ^{Precautions in using firing cables} power and lighting cables, the blaster shall take proper precautions to prevent the firing cables or wires from coming in contact with the lighting or power cables. R.S.O. 1960, c. 241, s. 257.

*Protection in Working Places, Shafts,
Winzes, Raises, etc.*

258. Neither on surface nor underground shall workmen ^{Protection from overhead operations} be employed in a location where men are working overhead unless such measures for protection are taken as the nature of the work permits. R.S.O. 1960, c. 241, s. 258.

259. A protective hat, manufactured for such service, ^{Protective hat} shall be worn by every person employed,

(a) underground in a mine;

(b) in a location in a pit or quarry designated by an engineer. R.S.O. 1960, c. 241, s. 259.

260. The top of every shaft shall be securely fenced or ^{Fencing of shafts and other openings} protected by a gate or guard rail, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected. R.S.O. 1960, c. 241, s. 260.

261.—(1) At all shaft and winze openings on the surface ^{Gate at shaft entrances} and on every level, unless securely closed off, the hoisting compartments shall be protected by a substantial gate, which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level.

(2) The clearance beneath any such gate shall be kept to a ^{Idem} minimum.

(3) Where haulage tracks lead up to a hoisting compartment on surface or underground, the gate on such compartment shall be reinforced in such a manner that it is sufficiently strong to withstand any impact imparted thereto by collision therewith of any motor, train or car operated on such tracks. ^{Reinforcing of gate} R.S.O. 1960, c. 241, s. 261.

Shaft and
winze
timbering

262.—(1) Every shaft and winze shall be securely cased, lined or timbered, and during sinking operations the casing, lining or timbering shall be maintained within a safe distance of the bottom.

Idem

(2) In no instance shall such distance exceed fifty feet.

Strength of
guides, etc.

(3) The guides, guide attachments and shaft casing, lining or timbering shall be of sufficient strength and shall be suitably designed, installed and maintained so that the safety catches referred to in section 339 may grip the guides properly at any point in the shaft. R.S.O. 1960, c. 241, s. 262.

Protection
at shaft
stations

263. There shall be provided a safe passageway and standing room for workmen outside the shaft at all workings opening into the shaft, and the manway shall in all cases be directly connected with such openings. R.S.O. 1960, c. 241, s. 263.

Protection
in sinking
operations

264. During shaft-sinking operations, no work shall be done in any place in a shaft or winze while men are working in another part of the shaft or winze below such place unless the men working in the lower position are protected from the danger of falling material by a securely-constructed covering extending over a sufficient portion of the shaft to afford complete protection. R.S.O. 1960, c. 241, s. 264.

Open hooks
not to
be used

265. Open hooks shall not be used in conjunction with the suspension of any shaft staging. R.S.O. 1960, c. 241, s. 265.

Lining
compartment
at
levels

266.—(1) Except during sinking operations, if material is handled in a shaft or winze compartment, there shall be maintained around that compartment, except on the side on which material is to be loaded or unloaded, a substantial partition at the collar and at all levels.

Idem

(2) Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet and it shall conform to the size of the conveyance allowing for necessary clearances. R.S.O. 1960, c. 241, s. 266.

Counter-
weight
compartment

267. Wherever a counterweight is used in a shaft or winze, it shall be safely enclosed, unless it travels on guides. R.S.O. 1960, c. 241, s. 267.

Protection
on shaft
inspection

268.—(1) No person shall do any work or conduct any examination in a compartment of a shaft or winze or in that part of the headframe used in conjunction therewith while

hoisting operations, other than those necessary for doing such work or conducting such examination, are in progress in such compartment.

(2) No person shall do any work or conduct any examination in a shaft or winze or in that part of a headframe used in conjunction therewith unless he is adequately protected from accidental contact with any moving hoisting conveyance or the danger of falling objects accidentally dislodged. R.S.O. 1960, c. 241, s. 268. ^{Idem}

269. Where the enclosing rocks are not safe, every adit, tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure. R.S.O. 1960, c. 241, s. 269. ^{Timbering mine workings}

270. Where a bucket is used in a shaft or winze for other than sinking purposes, ^{Use of shaft buckets}

- (a) a set of doors as required by subsection 3 of section 311 shall be required at the collar and every point of service of the shaft or winze;
- (b) a suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level;
- (c) simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels have been submitted to and have received the approval of an engineer. R.S.O. 1960, c. 241, s. 270.

271.—(1) Except where approved raising equipment is used, all raises inclined at over 50 degrees that are to be driven more than sixty feet slope distance shall be divided into at least two compartments, one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. R.S.O. 1960, c. 241, s. 271 (1), *amended*. ^{Steeply-inclined raises}

(2) The timbering shall be maintained within a safe distance of the face and in no event shall the distance between the face and the top of the timbering exceed twenty-five feet. R.S.O. 1960, c. 241, s. 271 (2). ^{Idem}

272.—(1) Whenever, at any time, chutes are pulled where persons are working or may enter at the time of pulling, the pulling area shall be marked by signs or the persons working ^{Precautions as to broken material}

in the vicinity shall be notified and, as pulling proceeds, proper precautions shall be taken to ascertain that the broken material is settling freely.

Idem (2) When there is any indication of a hang-up, the location shall be adequately protected by suitable signs or barricades. R.S.O. 1960, c. 241, s. 272.

Access to stopes 273. Unless the entrance to a stope is capable of being used as such at all times, a second means of entrance shall be provided and maintained. R.S.O. 1960, c. 241, s. 273.

Guarding mill holes, manways, etc. 274. The top of every mill hole, manway or other opening shall be kept covered or otherwise adequately protected. R.S.O. 1960, c. 241, s. 274.

Guarding open workings 275. Wherever men are working below a level in a place the top of which is open to the level in close proximity to a haulageway or travelway, some person shall effectively guard the opening unless it is securely covered over or otherwise closed off from the haulageway or travelway. R.S.O. 1960, c. 241, s. 275.

Guarding tops of raises 276. The tops of all raises or other openings to a level shall be kept securely covered, fenced off or protected by suitable barricades to prevent inadvertent access thereto. R.S.O. 1960, c. 241, s. 276.

Care of utility hoists 277. Utility hoists and attached equipment used for the raising and lowering of material shall be maintained in a safe working condition. R.S.O. 1960, c. 241, s. 277.

Scaling bars and gads 278. The owner or manager shall provide and maintain an adequate supply of properly-dressed scaling bars and gads and other equipment necessary for scaling. R.S.O. 1960, c. 241, s. 278.

Life lines to be used 279. The owner or manager shall, when necessary, provide life lines for the workmen, and it is the duty of the workmen to wear such life lines at all times, when by so doing the interests of safety will be advanced. R.S.O. 1960, c. 241, s. 279.

Keeping water supply to lay dust 280.—(1) Every place in a mine, where drilling, blasting or other operations produce dust in dangerous quantities, shall be adequately supplied at all times with clean water under pressure or other approved appliance for laying, removing or controlling dust.

Approved water blast (2) A development heading, such as a drift, cross-cut, raise or sub-drift, shall be furnished with an approved water blast

which shall discharge within an effective distance of the face being advanced and shall be applied so as to wet the area for at least fifteen minutes after blasting, and, if such area is not thoroughly wetted prior to the entry of any person, it shall be wetted down as soon as possible.

(3) Every multiple compartment raise, or sub-drift from such raise being driven over twenty-five feet in length from through-ventilation, or stopes with one entry, shall be provided with a separate air pipe independent of the air supply to any machine or drills used therein, and such air supply shall be controlled outside or at the beginning of the heading and the air shall be turned on by the blaster after he has detonated any blast in the heading. R.S.O. 1960, c. 241, s. 280, *amended*. ^{Auxiliary air supply}

281. The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke. R.S.O. 1960, c. 241, s. 281. ^{Time for blasting}

282.—(1) Where there is non-continuous shift operation in mine areas, the on-coming shift shall be warned of any abnormal condition affecting the safety of operations. ^{Written record}

(2) Such warning shall consist of a written record over the signature of a responsible person on the off-going shift and shall be read and countersigned by the corresponding responsible person on the on-coming shift before workmen are permitted to resume operations in the areas indicated in such record. R.S.O. 1960, c. 241, s. 282. ^{Idem}

283. At every mine where persons are employed underground, a suitable system shall be established and maintained to check in persons who have gone underground and check out persons who have returned to surface, and it is the duty of such persons to check in and check out in accordance with such system. R.S.O. 1960, c. 241, s. 283. ^{Check-in, check-out systems}

284. Where repair work is in progress in a manway or conditions arise that may endanger travel through the manway, it shall be closed off or adequate signs designating its unfitness for travel purposes shall be posted at all entrances to it. R.S.O. 1960, c. 241, s. 284. ^{Signs designating repair work}

285.—(1) Diamond-drill holes shall be plotted on all working plans of levels. ^{Diamond-drill holes}

(2) When an active mine heading is advancing toward a diamond-drill hole, the collar or the nearest points of intersection of the hole or both shall be securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of the hole. ^{Guarded while blasting near}

Marked

(3) The collar and any points of intersection of every diamond-drill hole shall be plainly marked at the time that drilling is discontinued or an intersection made.

Idem,
with letter
"H"

(4) Such markings shall consist of a single capital letter "H" in yellow paint measuring twelve inches by twelve inches, which shall be placed within four feet of the collar or intersection. R.S.O. 1960, c. 241, s. 285.

Tailings
used
for fill

286. Where tailings are used for filling worked-out areas underground, the moisture contained in the tailings and the liquid draining off therefrom shall not have a higher cyanide content than .005% expressed as cyanide of potassium. R.S.O. 1960, c. 241, s. 286.

Examination of Mine Workings and Shaft Inspection

Examination
of mine
workings

287. The owner or manager of a mine or some authorized person or persons shall examine daily all parts where drilling and blasting are being carried on, shall examine at least once a week the other parts in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, cross-cuts and raises, in order to ascertain that they are in a safe working condition and shall inspect and scale or cause to be inspected and scaled the roofs and walls of all stopes or other working places as often as the nature of the ground and of the work performed necessitates. R.S.O. 1960, c. 241, s. 287.

Shaft
inspection

288.—(1) The owner or manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it is to make an inspection of the shaft at least once each week, and in addition a thorough examination shall be made at least once each month of the guides, timber, walls and hoisting compartments generally of the shaft, and a record of such inspection and examination shall be made in the Shaft Inspection Record Book by the person making the examination.

Shaft
Inspection
Record
Book

(2) Such owner or manager shall keep or cause to be kept at the mine a book for each shaft termed the Shaft Inspection Record Book in which shall be recorded a report of every such examination, as is referred to in this section, signed by the persons making the examination.

Entries
to be
initialled

(3) Such entries of examinations shall be read and initialled every week by the person in charge of the maintenance of the shaft.

(4) A notation shall be made of any dangerous condition reported and the action taken regarding it over the signature of the person in charge of the maintenance of the shaft. Dangerous conditions noted

(5) The Shaft Inspection Record Book shall be made available to an engineer at all times. R.S.O. 1960, c. 241, s. 288. Available to engineer

Ladderways and Ladders

289.—(1) A suitable footway or ladderway shall be provided in every shaft and winze. Ladderways in shafts and winzes

(2) In shafts and winzes, no ladder, except an auxiliary ladder used in sinking operations, shall be installed in a vertical position. Not in vertical position

(3) During sinking operations, if a ladder is not maintained to the bottom, an auxiliary ladder that will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which men are working. Sinking operations

(4) Wherever, about shafts and winzes and headframes used in conjunction therewith, it is necessary for persons to examine or inspect appliances installed therein, suitable ladderways or stairways and platforms shall be maintained to permit such work to be carried out in a safe manner. R.S.O. 1960, c. 241, s. 289. Headframes

290. The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material, conveyance or counterweight is hoisted by a suitable and tightly-closed partition in the location required by section 266, and similarly in the remaining shaft sections, or by metal of suitable weight and mesh. R.S.O. 1960, c. 241, s. 290. Partition between manway and hoisting compartments

291.—(1) In a shaft or winze inclined at over 70 degrees from the horizontal or in a headframe used in conjunction with the shaft or winze, substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered, except for an opening large enough to permit the passage of a man's body, and the ladders shall be so placed as to cover this opening in the platform. Ladderway in shaft, over 70°

(2) In a shaft or winze inclined at less than 70 degrees from the horizontal or in a headframe used in conjunction with the shaft or winze, the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered, except under 70°

for an opening large enough to permit the passage of a man's body. R.S.O. 1960, c. 241, s. 291.

When stairway permissible 292.—(1) Stairways may be used in a shaft or winze inclined at less than 50 degrees from the horizontal.

Hand-rail (2) All stairways in shafts and winzes shall be equipped with a suitably-placed hand-rail. R.S.O. 1960, c. 241, s. 292.

Ladderways, other mine workings 293.—(1) All ladderways in raises, stopes and other manways shall be installed and maintained in a workmanlike manner to reduce to a minimum the hazard of a man falling therefrom. R.S.O. 1960, c. 241, s. 293 (1).

Landing platforms (2) In manways inclined at 70 degrees and over, landing platforms shall be installed at intervals not exceeding twenty-one feet in the ladderway and the ladders shall be off-set at the platforms.

Idem (3) In manways inclined at under 70 degrees and over 50 degrees, landing platforms shall be installed at intervals not exceeding twenty-one feet in the ladderway and the ladders may be continuous.

Idem (4) In manways inclined at 50 degrees and under, the ladders may be continuous and no platforms are required except at points of off-set. R.S.O. 1960, c. 241, s. 293 (2), *amended*.

Wire rope ladders 294. Wire rope or strands of wire rope shall not be used or be allowed to be used for climbing purposes if they are frayed or have projecting broken wires. R.S.O. 1960, c. 241, s. 294.

Hand-rails for ladders 295. Every ladder shall project at least three feet above its platform, except where strong hand-rails are provided. R.S.O. 1960, c. 241, s. 295.

Ladders 296.—(1) Every ladder shall be of strong construction, shall be securely placed and shall be maintained in good repair.

Distance, between rungs (2) The distance between centres of rungs of ladders shall not be greater than twelve inches nor less than ten inches, and the spacing of rungs shall not vary more than one-half inch in any ladderway.

from wall (3) In order to give a proper foothold, the rungs shall in no case be closer than four inches from the wall of a shaft, winze or raise or any timber underneath the ladder. R.S.O. 1960, c. 241, s. 296.

Haulage

297.—(1) Every locomotive, engine, trolley or motor vehicle used above or below ground shall be equipped with a suitable audible signal that shall be maintained in proper working condition. ^{Warning equipment}

(2) Except when used in adequately lighted buildings or areas, every locomotive, engine, trolley or motor vehicle used above or below ground shall be equipped with a headlight or headlights that shall be maintained in proper working condition, and motor vehicles used for trackless haulage shall be equipped with a suitable tail-light or tail-lights that shall be maintained in proper working condition. ^{Headlight and tail-light}

(3) Every self-propelled unit of trackless haulage equipment used below ground shall be equipped with suitable lights or reflectors that show in the direction of travel the width of the vehicle. ^{Lights to show width of vehicle} R.S.O. 1960, c. 241, s. 297.

298. Control levers of storage battery and trolley locomotives shall be so arranged that the lever cannot accidentally be removed when the power is on. ^{Control levers} R.S.O. 1960, c. 241, s. 298.

299.—(1) The audible signal on a locomotive, engine, trolley or motor vehicle when used underground or in an enclosed building shall be sounded when the vehicle starts to move and at such other times as warning of danger is required. ^{Warning equipment to be used}

(2) In mechanical haulage underground, a suitable tail-light shall be used in conjunction with made-up trains. ^{Tail-lights on trains}

(3) The locomotive operating platform shall be provided with a suitable seat and an adequate guard for the protection of the motorman. ^{Guard to protect motorman} R.S.O. 1960, c. 241, s. 299.

300.—(1) In mechanical haulage in any level, drift or tunnel in or about a mine, no unauthorized person shall ride on any vehicle. ^{Riding on vehicles prohibited}

(2) Special trips for persons only shall be made on approved vehicles. ^{Idem} R.S.O. 1960, c. 241, s. 300.

301.—(1) On every level on which mechanical track haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the level and the cars or locomotive, or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every 100 feet. ^{Clearance and safety stations}

(2) Such safety stations shall be plainly marked. ^{Idem, marking}

Clearance
for
trackless
haulage

(3) On every level on which mechanical trackless haulage equipment is employed, a minimum total clearance of five feet shall be maintained between the sides of the haulageway or workings and the mechanical equipment.

Idem,
plus
pedestrian
travel

(4) On every level regularly used both for pedestrian traffic and trackless haulage where there is a total minimum clearance of less than seven feet, safety stations shall be cut at intervals not exceeding 100 feet and they shall be plainly marked.

Travelways
clear of
obstructions

(5) All regular travelways shall be maintained clear of debris or obstructions that are likely to interfere with safe travel. R.S.O. 1960, c. 241, s. 301.

Unattended
locomotive
or trackless
equipment

302. No haulage locomotive or trackless haulage equipment shall be left unattended unless the controls have been placed in the neutral position and the brakes have been set. R.S.O. 1960, c. 241, s. 302.

Shaft Hoisting Practice

Hoisting by
automatic
control

303.—(1) The hoisting of men or material in mine shafts by automatic control is subject to the approval of the chief engineer.

Idem

(2) Where a hoist is being operated by automatic control and no other means of hoisting men is provided, there shall be available a man qualified to operate the hoist manually when men are underground. R.S.O. 1960, c. 241, s. 303, *amended*.

Raising and
lowering
material

304.—(1) Where steel, timber or other material is being raised or lowered in a shaft conveyance, it shall be loaded in such a manner as to prevent it from shifting its position, and, if necessary, it shall be secured to the conveyance.

Long
material
properly
secured

(2) When such material projects above the sides of the conveyance, it shall be securely fastened to the conveyance or lashed to the hoisting rope in such a manner as not to damage the rope. R.S.O. 1960, c. 241, s. 304.

Compartment to be
lined where
crosshead
not used

305. Where a crosshead is not used in a vertical shaft or winze, the compartment in which the bucket works shall be closely lined with sized lumber. R.S.O. 1960, c. 241, s. 305.

Level of
load in
bucket
or skip

306. In the course of sinking a shaft or winze, the bucket or skip shall be filled only in such a manner that no piece of loose rock projects above the level of the brim. R.S.O. 1960, c. 241, s. 306.

307. In shaft-sinking operations, where the hoisting speed exceeds 1,000 feet per minute, men shall ride in the bucket above the bottom crosshead stop. R.S.O. 1960, c. 241, s. 307. Hoisting men in buckets

308.—(1) During sinking operations in a shaft or winze, the bucket or skip used for returning men to the working place following a blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination, and in no case shall the point be less than fifty feet above the blasting set or bulkhead. Lowering men after blast

(2) The bucket or skip shall be lowered from such point only on signal from the men accompanying it and at such speed as to be fully under control, by signal, of such men. Idem

(3) Only sufficient men shall be carried on such a trip as are required to properly conduct a careful examination of the shaft or winze. R.S.O. 1960, c. 241, s. 308. Idem

309. In the course of sinking a shaft or winze, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above and shall remain there until a separate signal to lower it has been given by a properly authorized person. R.S.O. 1960, c. 241, s. 309. Bucket or skip not to be lowered directly to face

310. No bucket shall be allowed to leave the top or bottom of a shaft or winze until the workman in charge of it has steadied it or caused it to be steadied. R.S.O. 1960, c. 241, s. 310. Bucket to be steadied

311.—(1) In the course of sinking a shaft or winze, adequate provision shall be made and maintained to ensure the impossibility of the bucket or skip being dumped while the dumping doors are open or other means applied to prevent spillage from falling into the shaft or winze. Protection from dumping

(2) The design of a device for this purpose shall be submitted for the approval of the mechanical engineer before such device is installed. Design to be approved

(3) A door or doors to cover the sinking compartments shall be maintained at the collar or other point of service of every shaft or winze while sinking is in progress. Door to cover sinking compartment

(4) Such door or doors shall be kept closed at all times that tools or material are being loaded into or unloaded from the bucket or skip at the collar or other point of service of every shaft or winze, except when the bucket or skip is unloaded by dumping arrangements as provided for in subsections 1 and 2. Door closed when loading bucket

Door closed
when men
loaded

(5) The door or doors shall be closed when men are loaded or unloaded, except where a safety crosshead fills the compartment at the collar or other point of service. R.S.O. 1960, c. 241, s. 311.

Cage for
handling
men

312. Except during sinking operations, whenever a mine shaft or winze exceeds 300 feet in vertical depth, a suitable cage or skip constructed as required by sections 338 and 339 shall be provided for lowering or raising men in the shaft or winze. R.S.O. 1960, c. 241, s. 312.

Cage doors
to be closed

313.—(1) No person shall travel or be permitted to travel in a cage at any time, except during shaft inspection, unless the doors of the cage are securely closed.

Idem

(2) The cage doors shall not be opened until a full stop has been made at the point or station signalled for, except during trips of inspection, but, in the case of an inadvertent stop at a point in the shaft or winze, other than a station, the cage doors may be opened and the men may leave the cage on instructions to do so by a properly authorized person. R.S.O. 1960, c. 241, s. 313.

Operation
of chairs

314.—(1) Where chairs are used for the purpose of landing a shaft conveyance at a point in a shaft or winze, except when hoisting in balance from that point, the chairs shall not be put into operation unless the proper chairing signal has been given to the hoistman.

Idem

(2) Chairs shall not be used when men are handled. R.S.O. 1960, c. 241, s. 314.

Hoisting
men and
material
simul-
taneously

315.—(1) No person shall travel or be permitted to travel in a bucket, cage or skip operated by a hoist that is being simultaneously used for the hoisting of mineral or material, except as provided for in clause *c* of section 316. R.S.O. 1960, c. 241, s. 315 (1).

Men only
in approved
conveyances

(2) No person shall be hoisted or lowered, or permit himself to be hoisted or lowered, in a shaft or other underground opening except in an approved raise climber, or a scaling platform, or in an approved hoisting conveyance as provided for in section 316, but this prohibition does not apply where men are raised or lowered by hand by suitable means as in construction, maintenance or repair work. R.S.O. 1960, c. 241, s. 315 (2), *amended*.

When
persons not
to be
hoisted

316. No person shall be lowered or hoisted or allow himself to be lowered or hoisted in a shaft, winze or other underground opening,

- (a) in a bucket or skip, except that men employed in shaft sinking may ascend and descend to and from the sinking deck or other place of safety and the men employed in shaft inspection and maintenance may be hoisted and lowered in the shaft by means of such conveyance;
- (b) in a cage or skip that does not meet the requirements of sections 339 and 341, except as provided for in clause *a* of this section or section 340;
- (c) in a cage, skip or bucket that is loaded with powder, steel, timber or other material or equipment, except when the presence of such person is necessary for the purpose of handling such material;
- (d) in a cage, skip or bucket carrying powder, steel, equipment or material, unless the same is adequately secured, but nothing in this clause prohibits men from carrying personal hand tools or equipment approved by the district engineer in a conveyance if such tools or equipment are properly protected with guards and the conveyance is not overcrowded;
- (e) except during shaft-sinking operations or shaft inspection and maintenance operations, in any shaft conveyance, unless the shaft conveyance is in charge of a person properly authorized to act as cagetender or skiptender. R.S.O. 1960, c. 241, s. 316.

317. Except in the course of sinking a shaft, no person shall enter or be allowed to enter a shaft conveyance, or work upon or under a shaft conveyance, when the corresponding drum of the hoist is unclutched, unless the conveyance is first secured in position by chairing or blocking. R.S.O. 1960, c. 241, s. 317.

Use of
conveyance
if drum
unclutched

318.—(1) In this section,

Interpre-
tation

- (a) “authorized maximum load of men” means the total weight of men permitted by the district engineer to ride at any time in the shaft conveyance;
- (b) “maximum allowable weight” means the maximum weight permitted by this Act to be attached to the rope in service or the maximum weight attached to the rope that the hoist is capable of handling, whichever is the lesser.

Weight
specified by
manu-
facturer

(2) The weight that a hoist is capable of handling shall be that set out in the manufacturer's specifications or approved by an independent competent mine hoist design engineer.

Certificate
re maximum
loads

(3) In case a hoisting rope is used for the raising and lowering of both men and materials, the weight attached to the rope in the former case, when the bucket, cage or skip is bearing its authorized maximum load of men, shall not exceed 85 per cent of the maximum allowable weight when the rope is in use for other purposes, and the owner or manager shall obtain from the district engineer resident in the district a certificate in writing setting out the maximum loads of both men and materials that may be carried in the shaft conveyance before men are so carried. R.S.O. 1960, c. 241, s. 318 (1-3).

Friction
hoists

(4) For friction hoists, the conveyance man-load shall be determined as follows: 0.85 (maximum material load plus the weight of the conveyance) minus the weight of the conveyance. *New.*

When
certificate
issued

(5) The district engineer may issue the certificate referred to in subsection 3 if he is satisfied that the hoisting installation and signalling equipment meet the requirements of this Act. R.S.O. 1960, c. 241, s. 318 (4).

Certificate
re friction
hoists

(6) A certificate stating the maximum allowable suspended load and the maximum allowable unbalanced load rating shall be obtained from the manufacturer for friction hoists.

Determina-
tion of
maximum
material
load

(7) The maximum material-load allowed on the conveyance of a friction hoist shall be determined from the lesser of the following calculations:

1. Maximum allowable suspended load on the hoist, less the weight of the hoisting ropes, less the weight of tail ropes, less the weight of the conveyances and the attachments.
2. The breaking strength of the rope, divided by the required factor of safety, minus the maximum weight of rope suspended in one compartment, minus the weight of the conveyance and attachments in that compartment; and, where multiple ropes are used, the lowest breaking strength of any rope shall be used for all ropes in load calculations.
3. The unbalanced load on the hoist as rated by the manufacturer, which shall not be exceeded.

4. The maximum allowable load on any conveyance, which shall not be greater than that for which the conveyance was rated by the manufacturer. *New.*

Conveyance Notices and Discipline

319.—(1) A notice showing clearly the number of persons allowed to ride on and the weight of materials allowed to be loaded on the conveyance, as referred to in subsection 3 of section 318, shall be posted and maintained at the collar of the shaft or winze. Notice to be posted

(2) The person authorized to give signals is responsible for observance of such notice. R.S.O. 1960, c. 241, s. 319. Responsibility

320.—(1) When persons are being hoisted or lowered in a cage or skip, no person, other than the cagetender or skip-tender, shall have a burning open-flame lamp of any kind, except that, for shaft inspection or similar purposes, a sufficient number of lighted lamps shall be permitted. Open lights, discipline

(2) At all times that men are being hoisted or lowered in a cage or skip, there shall be maintained a proper discipline of persons riding on that cage or skip. Discipline maintained

(3) No person shall offer obstruction to the enforcement of the requirements of loading of conveyances under subsection 1 of section 319 or this section. R.S.O. 1960, c. 241, s. 320. Observance of notice

Signals

321. Every working shaft shall be provided with a suitable means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck. R.S.O. 1960, c. 241, s. 321. Signal system

322. A separate, audible signal system shall be installed for the control of each hoisting conveyance operated from a single hoist, and there shall be a sufficient difference in the signals to the hoistman that they are easily distinguishable. R.S.O. 1960, c. 241, s. 322. Separate signal for each compartment

323. Where an electrical signal system is installed, the hoistman shall return the signal to the person giving the signal when men are about to be hoisted or lowered. R.S.O. 1960, c. 241, s. 323. Return signal

324. No device for signalling to or communicating with the hoistman shall be installed or operated in or on any shaft conveyance without the written permission of the chief engineer. R.S.O. 1960, c. 241, s. 324. Special devices, permission for

Cage call
system

325. No cage call system communicating with the hoist-room shall be installed or used at a shaft or winze. R.S.O. 1960, c. 241, s. 325.

Code of
signals

326.—(1) The following code of signals shall be used at every mine and a copy of such code shall be printed and kept posted in every hoist room and at every level or other recognized landing place in every working shaft or winze:

1 bell. . . . Stop immediately—if in motion (Executive Signal).

1 bell. . . . Hoist (Executive Signal).

2 bells. . . . Lower (Executive Signal).

3 bells. . . . Men travelling in hoisting conveyance (Cautionary Signal). This signal shall be given by the conveyance tender at all levels before any person, including the conveyance tender, is permitted to enter or leave the conveyance. Where a stop exceeds one minute, the 3-bell signal shall precede the next destination signal. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before any person is permitted to enter or leave the conveyance.

4 bells. . . . Blasting Signal. The hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal, only a 1-bell signal shall be required to signal for hoisting men away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.

5 bells. . . . Release Signal. The hoistman may act at his own discretion to perform any movement, or series of movements, involving the conveyance or conveyances designated by the destination signals referred to in section 327. Where a return-signal system is installed, the hoistman shall return the signals and may then act at his own discretion. On the completion of the necessary movements, he shall not move the hoist again until he has received a new signal.

9 bells. . . . Danger Signal (Special Cautionary). To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of the danger signal.

(2) The following method and order shall be observed in giving signals: Method and order of signals

1. Strokes on the bell shall be made at regular intervals.
2. Signals shall be given in the following order: 1st, Cautionary Signals; 2nd, Destination Signals; 3rd, Executive Signals. R.S.O. 1960, c. 241, s. 326.

327.—(1) At every mine, other signals, termed destination signals, in conjunction with the code referred to in subsection 1 of section 326 shall be used to designate all regular stopping points. Special signals

(2) Special signals shall be used to designate all special hoisting movements. Signals for movements

(3) All such signals shall be easily distinguishable from the foregoing code and shall not interfere with it in any way and shall follow the Department's standard mine signal code, and any deviation therefrom shall be approved by the chief engineer. Standard mine signal code

(4) Such destination signals and other special signals approved for use at every mine and an adequate description of their application to the movements required shall be posted at every hoist, at the top of the shaft or winze and at every working level of the shaft or winze. R.S.O. 1960, c. 241, s. 327. Destination signals

328.—(1) The hoistman shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that men are carried. Hoistman shall not move conveyance

(2) In case he is unable to act within one minute of the time he has received any complete signal, he shall not move the hoisting conveyance until he has again received another complete signal. R.S.O. 1960, c. 241, s. 328. If unable to move within one minute

329.—(1) After a hoistman has received a 3-bell signal, he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement. 3-bell signal

(2) After he has commenced the movement, he shall complete it without interruption, unless he receives a stop signal or in case of great emergency. R.S.O. 1960, c. 241, s. 329. Idem

330. The hoistman shall remain at the hoist controls at all times the hoist is in motion, except when the hoist is operating under automatic control. R.S.O. 1960, c. 241, s. 330. Hoistman to remain at controls

Notice re
talking to
hoistman

331. Except in case of emergency, no one shall speak to the hoistman while the hoist is in motion, and a sign to this effect plainly visible to anyone approaching the hoist controls shall be kept posted at all times. R.S.O. 1960, c. 241, s. 331.

Signal
required

332. Under no circumstances shall the hoisting conveyance be moved by the hoistman until he has received a proper signal, except that, in the event of an inadvertent stop at some point in the shaft or winze, other than at a station from which a signal may be given, the hoistman may move the conveyance when he has assured himself that the hoist controls are in proper working order and when hoisting or lowering men he has received instructions from a properly authorized person. R.S.O. 1960, c. 241, s. 332.

Only
authorized
person to
give signal

333.—(1) No person, unless duly authorized, shall give any signal for moving or stopping the bucket, cage or skip.

Idem

(2) No unauthorized person shall give any signal, other than the danger signal, or in any way whatsoever interfere with the signalling arrangements. R.S.O. 1960, c. 241, s. 333.

Only author-
ized person
may operate
hoist

(3) No person, unless duly authorized, shall operate any equipment for controlling the movement of the hoist or interfere with such equipment in any way. R.S.O. 1960, c. 241, s. 334.

Voice
communica-
tion

334. Except during shaft-sinking operations, a system shall be installed in all active shafts to provide voice communication between the collar and regular landing places. *New.*

Position of
conveyance

335. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. R.S.O. 1960, c. 241, s. 335.

Sinking Equipment

When
crosshead
required

336.—(1) After a depth of 300 feet below the sheave has been attained in the sinking of a vertical shaft or winze, a suitable bucket and crosshead, as referred to in subsection 2 and in section 337, shall be used.

Suspension,
barrel-
shaped
bucket

(2) When a closed type of crosshead is not used, the bucket shall be barrel-shaped and shall be suspended by the upper rim. R.S.O. 1960, c. 241, s. 336.

Safety
appliance on
crosshead

337.—(1) All sinking crossheads shall be provided with a safety appliance of a design approved by the mechanical engineer for attaching the bucket to the crosshead, so constructed that the crosshead cannot stick in the hoisting compartment without also stopping the bucket. R.S.O. 1960, c. 241, s. 337 (1).

(2) All crossheads shall be of a design approved by the Approval mechanical engineer. R.S.O. 1960, c. 241, s. 337 (2), *amended*.

Shaft Conveyances, Construction and Operation

338.—(1) No cage or skip shall be used for the raising or lowering of persons unless it is so constructed as to prevent any part of the body of a person riding therein from accidentally coming into contact with the timbering or sides of the shaft or winze. Protection of men in shaft conveyances

(2) Permission shall be obtained from the chief engineer before a skip is used for lowering or raising men in a shaft or winze, except during sinking, inspection or maintenance operations. R.S.O. 1960, c. 241, s. 338. Permission necessary to handle men in skip

339. All cages or skips for lowering or raising men shall comply with the following: Construction of cages and skips, etc.

1. The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness or of a material of equivalent strength.
2. The cage shall be provided with sheet-iron or steel side casing not less than one-eighth of an inch in thickness or of a material of equivalent strength, and the casing shall extend to a height not less than five feet above the floor of the cage.
3. The cage shall be equipped with doors made of suitable material that extend to a height not less than five feet above the floor.
4. The doors shall be so arranged that it is impossible for the doors to open outward from the cage.
5. Doors shall be fitted with a suitable latch and shall have a minimum clearance at the bottom.
6. The safety catches and mechanism shall be of sufficient strength to hold the shaft conveyance with its maximum load at any point in the shaft and shall be of a type the design and performance of which are approved by the chief engineer.
7. Such approval shall not be considered until the safety catches and mechanism are found to function satisfactorily under load conditions during such number of tests as are required by the chief engineer, each test to consist of suddenly releasing the shaft conveyance

in a suitable manner under maximum loading conditions for persons so that the safety catches will have the opportunity to grip the guides when the conveyance is descending at maximum speed.

8. A report of such tests and drawings of the safety catches and mechanism shall be sent in duplicate to the chief engineer, who may require such further information or tests as he deems necessary.
9. Before a shaft conveyance equipped with an approved type of safety catches and mechanism is first used for the purpose of lowering or hoisting men, the safety catches and mechanism shall be found to function efficiently according to the requirements of the mechanical engineer during a test under the same conditions as set out in paragraph 6, and a permit for the use of the conveyance for hoisting and lowering men shall be obtained from the district engineer. R.S.O. 1960, c. 241, s. 339, pars. 1-9.
10. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the mechanical engineer. R.S.O. 1960, c. 241, s. 339, par. 10, *amended*.
11. A shaft conveyance previously permitted for use by the district engineer for the purpose of lowering or hoisting men on which alterations or repairs to the safety catch mechanism necessary to rectify any distortion of the mechanism from its proven satisfactory position are made shall not be put to such use until the safety catch and mechanism have been found to function efficiently according to the requirements of the mechanical engineer during a test made under the same conditions as set out in paragraph 6 and the district engineer has again issued permission for the use of the conveyance for such purpose. R.S.O. 1960, c. 241, s. 339, par. 11.
12. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the mechanical engineer. R.S.O. 1960, c. 241, s. 339, par. 12, *amended*.
13. A certificate of load capacity of the conveyance and attachments, which shall include the weight of the tail rope, if any, or other suspended load, shall be obtained from the manufacturer and made available to the mechanical engineer.

14. Devices for attaching the conveyance to the rope shall have a factor of safety of not less than 10.

15. The bales and suspension gear of all shaft conveyances shall be cleaned and thoroughly inspected at least once in every twelve months and a record of such inspection shall be made in the Hoisting Machinery Record Book. *New.*

340. The chief engineer may give permission in writing for hoisting men without safety catches if he is satisfied that the equipment and conditions are such that maximum safety is provided. R.S.O. 1960, c. 241, s. 340. ^{Hoisting without safety catches}

341. The cage shall not have chairs attached to it that are operated by a lever or a chain through or from the floor of the cage. R.S.O. 1960, c. 241, s. 341. ^{Operating chairs by lever}

342. When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze, other than at the lowest point of travel for a skip, they shall be so arranged that they automatically fall clear and remain clear of the hoisting compartment when the cage or other conveyance is lifted off. R.S.O. 1960, c. 241, s. 342. ^{Automatic operation of chairs}

343. The bucket and any device such as the bale, safety latch or other attachment to the bucket shall be of a design approved by the chief engineer. R.S.O. 1960, c. 241, s. 343. ^{Bales, safety latches, etc.}

Hoisting Procedure

344.—(1) If at the commencement of a shift there has been a stoppage of hoisting in a shaft for a period exceeding two hours duration, no regular hoisting shall be done until the shaft conveyance has made one complete trip through the working part of the shaft or, where shaft repairs have been made, a return trip of the shaft conveyance has been made through and below the affected part of the shaft. R.S.O. 1960, c. 241, s. 344 (1), *amended*. ^{Hoisting after stoppages}

(2) The hoistman shall record all such stoppages and trips in the Hoistman's Log Book. R.S.O. 1960, c. 241, s. 344 (2). ^{Record of stoppages}

345. Where a hoist is equipped with an auxiliary overwind device for preventing men from being hoisted to the dumping position in skips or in skips of skip-cage assemblies as required in section 590, the hoistman shall place the device in operation or assure himself that it is in operation at all times that men are handled. R.S.O. 1960, c. 241, s. 345. ^{Auxiliary overwind}

Obstructions 346. Where obstructions such as those referred to in section 558 may exist, the hoistman shall not hoist or lower the shaft conveyance without proper authority. R.S.O. 1960, c. 241, s. 346.

Testing overwind devices 347. All overwind and underwind devices shall be tested at least once during every twenty-four hours and a record of the test shall be posted immediately in the Hoistman's Log Book. R.S.O. 1960, c. 241, s. 347.

Brakes to be tested 348.—(1) The operator of a hoist shall, after going on shift and before a conveyance is raised or lowered, assure himself that the brake or brakes are in proper condition to hold the loads suspended on the corresponding drum or drums by testing the brakes of the drums against the normal starting power of the engine or, in the case of an electric hoist, against the normal starting current.

Drum not to be unclutched (2) The operator of a hoist shall not unclutch a drum of the hoist until the test mentioned in subsection 1 has been made. R.S.O. 1960, c. 241, s. 348.

Friction clutches 349.—(1) Where a hoist is fitted with a friction clutch, the operator shall, after going on shift and before a conveyance is raised or lowered, test the holding power of the clutch, the brake of the corresponding drum being kept on and the brake of the other drum being kept off.

Idem (2) In the case of a steam or air hoist, the test mentioned in subsection 1 shall be made against the normal starting power of the engine and, in the case of an electric hoist, against the normal starting current. R.S.O. 1960, c. 241, s. 349.

Use of brake when drum unclutched 350. When the drum of a hoist is unclutched, the brake of the drum shall be used only for the purpose of maintaining the drum in a stationary position, and no lowering shall be done from an unclutched drum. R.S.O. 1960, c. 241, s. 350.

When clutch to be kept in 351. When men are in a hoisting conveyance, the corresponding drum of the hoist shall be kept clutched in. R.S.O. 1960, c. 241, s. 351.

Hoistman's Log Book

Hoistman's Log Book 352.—(1) At every shaft or winze hoist, there shall be kept a Hoistman's Log Book in which the following shall be recorded:

1. A report of the working condition of the hoist, including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and

all other devices and fittings pertaining to the safe operation of the hoist.

2. A report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned.
3. Any special instructions received involving the safety of persons, such entry to be signed by the hoistman and by the person issuing the instructions.
4. A report of the tests of the overwind and underwind devices.
5. Where the required tests of the overwind and underwind devices are conducted by a hoistman operating on another shift, the hoistman assuming duty shall note over his signature that he has examined the entry in the log book of the hoistman who performed the tests.
6. A report of all abnormal circumstances in connection with the operation of the hoist or attachments thereto and such abnormal conditions as have come to the hoistman's knowledge in connection with the hoisting operations in the shaft or winze.
7. A report of all trial trips referred to in sections 344 and 382.

(2) A notification to the hoistman on a succeeding period ^{Idem} of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the Hoistman's Log Book.

(3) All such entries shall be countersigned by the hoistman ^{Idem} assuming duty for the succeeding period.

(4) Such entries as are required by this section shall be ^{Idem} made and signed by every hoistman for his period of duty on a shaft or winze hoist and the time and duration of his period of duty shall also be noted, and such entries as have been made during the preceding twenty-four hours shall be read and signed each day by the master mechanic or other authorized person. R.S.O. 1960, c. 241, s. 352.

Hoist Brakes

353.—(1) Every device used for hoisting from mine work-^{Brakes required} ings shall be equipped with a brake or brakes that may be applied directly to each drum so as to readily stop and hold the drum when it is carrying its maximum load.

Arranged
to test
separately

(2) The brakes shall be so arranged that they can be tested separately and, whether the hoist is at work or at rest, can be easily and safely manipulated by the hoistman when at the levers controlling the hoist.

Not
operated
by foot

(3) No hoist used for raising or lowering persons or for shaft sinking shall be equipped with a brake or brakes operated by means of a hoistman's foot, unless such brake is an auxiliary electrical device.

Adjustments
to be
maintained

(4) The adjustments of the brake or brakes and brake mechanism shall be maintained in such condition that the brake lever or any other part of the brake mechanism will not come to the limit of travel before the normal power of the brake or brakes is applied. R.S.O. 1960, c. 241, s. 353 (1-4).

Loss of
brake
pressure

(5) All brake engines shall be so equipped that, in the event of inadvertent or accidental loss of pressure in the brake system, the brakes may be applied. R.S.O. 1960, c. 241, s. 353 (5), *amended*.

Brake for
friction
hoists

(6) The brakes for a friction hoist shall be designed, adjusted and maintained to safely stop and hold the conveyance under all conditions of loading, direction of travel and speed. *New*.

Brakes

(7) At all times that men are in or on a shaft hoisting conveyance, the hoist shall be equipped with more than one brake, each capable of stopping and holding the drum or drums in use, except that, in shaft inspection, maintenance or sinking operations, men may be in or on a shaft hoisting conveyance attached to the fixed or clutched-in drum when changing balance.

Automatic
operation

(8) At least one of the brakes required shall be arranged for automatic application upon operation of any of the safety devices for brake application. R.S.O. 1960, c. 241, s. 353 (6, 7).

Freedom of
falling
weights

(9) In a brake system where weights are used to furnish auxiliary pressure on loss of air, the weights shall be tested at least once every twenty-four hours to ensure their freedom of movement. *New*.

Single drum
air or steam

(10) In the case of single drum air or steam driven hoists, automatic valves to control engine compression, arranged for operation by the safety devices, may serve as a brake.

Idem

(11) The arrangements mentioned in subsection 10 are subject to the approval of the mechanical engineer. R.S.O. 1960, c. 241, s. 353 (8, 9).

Hoist Clutches

354. The device for operating the clutch of the drum shall be provided with adequate means to prevent the inadvertent withdrawal or insertion of the clutch. R.S.O. 1960, c. 241, s. 354. Clutch-locking arrangement

355. The brake and clutch operating gear shall be so installed that it will not be possible to unclutch a drum unless the brake or brakes on the drum are applied, nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged. R.S.O. 1960, c. 241, s. 355. Interlocking brake and clutch

Hoist Drums

356. Such bolts and other fittings of the drums, brakes and clutches as might be a danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices other than spring lockwashers. R.S.O. 1960, c. 241, s. 356. Securing of drum parts

357. On the drum of every hoist used for lowering or raising persons, there shall be flanges and also, if the drum is conical, such other appliances as are sufficient to prevent the rope or cable from slipping off. R.S.O. 1960, c. 241, s. 357. Slipping of rope on drum

358.—(1) In all hoist installations, the dimensions of the drum or drums shall be suitable for the kind, diameter and length of the rope in service. Suitability of hoist drum for rope

(2) The diameters of the hoist drums shall be large enough to prevent the occurrence of unduly large bending stresses in the rope. Bending stresses in rope

(3) Where multiple-layer winding is used, proper arrangements shall be made and maintained to permit the rope to rise evenly from one layer to another and to wind properly without cutting down through any lower layer. R.S.O. 1960, c. 241, s. 358. Rope risers

359.—(1) On and after June 15, 1948, in all installations of newly-acquired drum hoists and modifications of existing hoists designed to increase the load ratings of the hoist, Drum hoist installation

- (a) all hoist drums over sixty inches in diameter shall have grooving properly machined to fit the rope used, except that, in the case of shaft sinking, preliminary development operations and operations of a temporary nature, hoists with plain drums may be used;

- (b) the drums shall have sufficient rope-carrying capacity to permit hoisting from the lowest regular hoisting point to the highest point of travel in the shaft without the necessity of winding more than three layers of rope on the drum;
- (c) the diameter of a hoist drum shall not be less than 80 times the diameter of the hoisting rope in use when the diameter of the rope is greater than one inch and shall not be less than 60 times the diameter of the rope in use when the diameter of the rope is not greater than one inch, except that, in the case of shaft-sinking and preliminary development operations,
 - (i) a hoist may be used having a drum whose diameter is not less than 60 times the diameter of the hoisting rope in use when the diameter of the rope is greater than one inch, and
 - (ii) a hoist may be used having a drum whose diameter is not less than 48 times the diameter of the hoisting rope in use when the diameter of the rope is not greater than one inch; and
- (d) the hoist and the head sheaves shall be so located in relation to one another as to permit the proper winding of the rope on the hoist drum. R.S.O. 1960, c. 241, s. 359, *amended*.

Change of
location

- (2) In any change of location of a hoist installed prior to the coming into force of this section, the requirements of clause *b* of subsection 1 apply.

Friction
hoist
installations

- (3) In friction hoist installations,

- (a) the drum diameter shall not be less than 80 times the diameter of the rope;
- (b) the hoist drive, control and brakes shall be so designed and maintained that slippage of the rope on the drum will not occur under normal operating conditions; and
- (c) the rope treads shall be inspected regularly and maintained in good condition. *New*.

Sheaves

Head
sheaves

- 360.—(1) Head sheaves shall be of such diameter as is suited to the rope in use and shall be machined properly to fit the rope.

(2) The diameter of a head sheave shall be determined by ^{Diameter} clause *c* of subsection 1 of section 359 as required for the hoist drum. R.S.O. 1960, c. 241, s. 384.

(3) The deflection sheaves shall be inspected weekly and ^{Deflection sheaves} the results recorded in the Hoisting Machinery Record Book. *New.*

Overwinding, etc.—Air and Steam Hoists

361. In the case of steam or air hoists, where the depth of ^{Overwind and underwind protection for air or steam hoists} the shaft is greater than 300 feet or the hoisting speed is greater than 350 feet per minute, or in the case of a hoist designated by a mechanical engineer, there shall be provided suitable overwind and underwind protection for the hoisting conveyance, except that, in shaft-sinking, inspection and maintenance operations, the underwind protection may be dispensed with. R.S.O. 1960, c. 241, s. 360.

362. At all air or steam hoists, there shall be installed ^{Gauge required} within plain view of the operator a gauge to indicate the air or steam pressure. R.S.O. 1960, c. 241, s. 361.

Indicators

363.—(1) Every hoist shall, in addition to any marks on ^{Indicator required} the rope or drum, be provided with a reliable depth indicator that will clearly and accurately show to the operator,

- (a) the position of the bucket, cage or skip;
- (b) at what positions in the shaft a change of gradient necessitates a reduction in speed; and
- (c) the overwind or underwind position of the shaft conveyance or counterbalance. R.S.O. 1960, c. 241, s. 362 (1), *amended*.

(2) Hoist depth indicators shall be driven by a reliable ^{Operation of indicator} means. R.S.O. 1960, c. 241, s. 362 (2).

(3) Means shall be provided on a friction hoist to adjust ^{Means to adjust indicator on friction hoist} the depth indicators and protective devices on the hoist to the position of the conveyance in the shaft. *New.*

Special Testing

364.—(1) The specifications of the hoist and equipment ^{Specifications required} and the general arrangement of the headframe shall be approved by the chief engineer. *New.*

Tests

(2) Before a new hoisting installation is put in service, tests shall be conducted to prove its compliance with this Act. R.S.O. 1960, c. 241, s. 363 (1), *amended*.

Record kept available

(3) A record of such tests and the results obtained shall be kept on file and made available to an engineer. R.S.O. 1960, c. 241, s. 363 (2).

Special testing by mechanical engineer

(4) If the mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all brakes, clutches, overwind devices or other hoist controls. R.S.O. 1960, c. 241, s. 364.

Tapered Guides, etc.

Final protection

365. In a friction hoist installation, tapered guides or other approved devices shall be installed above and below the limits of regular travel of the conveyance, arranged so as to brake and stop an overwound or underwound conveyance in the event of failure of other devices. *New*.

Examination

Examination of hoisting equipment required

366. The owner or manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it is to examine at least once in each week,

- (a) sheave wheels;
- (b) attachments of the hoisting ropes to the drums and to the counterweights, buckets, cages or skips;
- (c) brakes;
- (d) interlocks;
- (e) depth indicators;
- (f) buckets;
- (g) counterweights;
- (h) cages;
- (i) skips;
- (j) external parts of the hoist;
- (k) mechanical hoisting signalling equipment, if any;

- (l) shaft dumping and loading arrangements;
- (m) sinking doors and blasting sets, and any attachments thereto; and
- (n) attachments to any cage, skip or bucket for any underslung regularly-used equipment,

and to record the report of such examination in a book called the Hoisting Machinery Record Book. R.S.O. 1960, c. 241, s. 365.

Hoist Loading

367.—(1) No drum hoist shall be used that is not accompanied by a certificate from the manufacturer or an independent competent hoist design engineer giving the maximum permissible rope pull for each drum and the maximum permissible suspended load of the hoist, and the hoist shall not be loaded beyond the maximum loads so specified. R.S.O. 1960, c. 241, s. 366 (1), *amended*. Permissible hoist loading

(2) No alterations designed to increase the hoisting capacity shall be made to a hoist unless approval is given by its manufacturer or an independent competent hoist design engineer. R.S.O. 1960, c. 241, s. 366 (2). Approval for increased capacity

Hoisting Ropes

368.—(1) The connection between the hoisting rope and the bucket, cage, skip, counter-balance or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum. Rope connection

(2) No open-hook device shall be used for such purpose. R.S.O. 1960, c. 241, s. 367 (1, 2). No open hooks

(3) Such device shall be of a design approved by the chief engineer. R.S.O. 1960, c. 241, s. 367 (3), *amended*. Approved connections

(4) The drum end of the rope shall be fastened to the spider of the drum or around the drum shaft in some suitable manner. R.S.O. 1960, c. 241, s. 367 (4). Fastened to spider

369. In no case shall a rope that has been spliced be used for hoisting purposes. R.S.O. 1960, c. 241, s. 368. Splicing prohibited

370.—(1) No hoist shall be operated with less than three turns of rope on the drum when the bucket, cage or skip is at the lowest point in the shaft from which hoisting is effected. R.S.O. 1960, c. 241, s. 369 (1). Length of rope required on hoist drum

Three layers
only on
drum

(2) No hoist acquired after the 15th day of June, 1948, and no hoist existing on that date and modified after that date so as to increase its load rating, and no hoist that has its location changed, shall be operated with more than three complete layers of rope on the drum when the conveyance is at the highest point of travel in the shaft. R.S.O. 1960, c. 241, s. 369 (2), *amended*.

Test
certificate

371.—(1) No hoisting rope shall be used that has not been tested by the Ontario Government Cable Testing Laboratory and for which a certificate of the test is not in the possession of the user. R.S.O. 1960, c. 241, s. 370 (1).

Number of
test
specimens
required

(2) In friction hoist installations, where multiple ropes are used and when manufactured have been laid up continuously, a specimen shall be submitted for test, cut from the portion between each pair of ropes,

- (a) in the case of four ropes, two specimens shall be required;
- (b) in the case of three ropes, two specimens shall be required. *New*.

Manu-
facturer's
certificate

(3) No hoisting rope or tail rope shall be used that is not accompanied by a certificate from the manufacturer giving the following information:

1. Name and address of manufacturer.
2. Manufacturer's rope number.
3. Date of manufacture.
4. Diameter of rope in inches.
5. Weight per foot in pounds.
6. Number of strands.
7. Class of core.
8. Percentage of weight of lubricant in core.
9. Trade name of interior rope lubricant.
10. Number of wires in strand.
11. Grade of steel.
12. Diameter of wires in decimals of an inch.

13. Breaking stress of steel of which the wire is made in pounds per square inch.
14. Standard torsion test of wires.
15. Actual breaking load of rope, as provided by the certificate referred to in subsection 1.
16. Length of rope. R.S.O. 1960, c. 241, s. 370 (2), *amended*.

(4) When any rope is put on in a shaft compartment or hoisting way, the data mentioned in subsection 3 shall be entered in a book called the Rope Record Book, together with the additional following information:

1. Name of person from whom purchased.
2. Date of purchase.
3. Date put on in present location.
4. Identification number of rope.
5. Name of shaft or winze and compartment in which rope is used.
6. Weight of shaft conveyance.
7. Weight of material carried.
8. Maximum length of rope in service below sheave.
9. Maximum weight of rope in service below sheave.
10. Static factors of safety at conveyance connection and at head sheave with rope fully let out.
11. Date put on and removed from previous locations, if any.

(5) Duplicate copies of such entries shall be forwarded to the chief engineer at the time the rope is put on in any location.

(6) The owner or manager shall keep or cause to be kept at the mine a book called the Rope Record Book, in which shall be recorded, in addition to the information referred to in subsections 3 and 4, the following information:

1. A history of the hoisting rope, outlining the date on which the rope was first put on.

2. Dates of shortening.
3. Dates and results of breaking tests.
4. Date and reason for taking off, for each occasion the rope is put into and taken out of service. R.S.O. 1960, c. 241, s. 370 (3-5).

Rope Record Book open to engineer (7) The Rope Record Book shall be available to the engineer.

Notification of rope discarded (8) When a hoisting rope or tail rope is taken out of service from a shaft compartment, notice to that effect shall be forwarded to the chief engineer, giving the date, the reasons for discarding or discontinuing the use of the rope, disposition of the rope, and such other information as he requires. R.S.O. 1960, c. 241, s. 370 (6, 7), *amended*.

Permission required to use old rope 372.—(1) No hoisting rope or tail rope that has previously been in use in a place beyond the control of the owner shall be put on anew, except with the permission in writing of the chief engineer. R.S.O. 1960, c. 241, s. 371 (1), *amended*.

Request for permission (2) Request for permission to use such rope shall be accompanied by certification that the rope has been properly examined and that no apparent defects have been found.

Test pieces (3) Two standard test pieces, one from each end of the rope, shall also be sent to the Ontario Government Cable Testing Laboratory for test. R.S.O. 1960, c. 241, s. 371 (2, 3).

Precautions, used ropes 373. No hoisting rope or tail rope that has been removed from service at a shaft or winze compartment shall be put on anew for the purpose of raising or lowering men unless proper measures have been taken for the maintenance of the rope and the owner or manager is satisfied that the rope is in safe working condition. R.S.O. 1960, c. 241, s. 372, *amended*.

Rope removal 374. When a shaft compartment has been abandoned for hoisting purposes, the hoisting rope shall immediately be removed from the shaft. R.S.O. 1960, c. 241, s. 373.

Rope not to be reversed 375. No hoisting rope shall be reversed until application has been made in writing to the chief engineer, standard test pieces from each end of the rope have been submitted for test, and approval for the reversal has been received from the chief engineer. R.S.O. 1960, c. 241, s. 374.

376.—(1) For the purpose of this section, the factor of safety of a hoisting rope or tail rope in a shaft or winze means the number of times the breaking strength of the rope is greater than the total weight supported by the rope at a definite place in the rope. ^{Factor of safety of hoisting rope}

(2) The breaking strength of the hoisting rope means the breaking strength of the rope as shown in the test certificate issued by the Ontario Government Cable Testing Laboratory before the rope is installed, as required by subsection 1 of section 371. R.S.O. 1960, c. 241, s. 375 (1, 2), *amended*. ^{Breaking strength, hoisting rope}

(3) The breaking strength of the tail rope shall be that as certified by the manufacturer. *New*. ^{tail rope}

(4) Every hoisting rope, when newly installed on a newly-acquired drum hoist or on an existing drum hoist modified to increase the hoist load ratings or on a drum hoist that has had its location changed, shall have a factor of safety of not less than 8.5 at the end of the rope where it is attached to the shaft or winze conveyance and where the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted. R.S.O. 1960, c. 241, s. 375 (3), *amended*. ^{Idem}

(5) In addition, the hoisting rope shall have a factor of safety of not less than 5 at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted plus the weight of that part of the rope that extends from the head sheave to the conveyance. ^{Idem}

(6) Every hoisting rope when newly installed on hoists that were the property of a mine on the 15th day of June, 1948, shall have a factor of safety of not less than 6 for shafts and winzes less than 2,000 feet in depth and not less than 5 for shafts and winzes over 2,000 feet in depth at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted plus the weight of that portion of the rope that extends from the head sheave to the conveyance. R.S.O. 1960, c. 241, s. 375 (4, 5). ^{Idem}

(7) When the rope is installed on a friction hoist, the factor of safety shall not be less than that as determined from the following formula: $F. \text{ of } S. = 9.5 - .00075 d$, where d is the maximum length of rope suspended below the head sheave in feet. ^{Factor of safety for friction hoist}

Idem (8) For friction hoists, the factor of safety shall not be less than 5.5 for any depth of shaft when the rope is installed.

Idem (9) The factor of safety for a given friction hoist installation is the lowest actual breaking strength, as determined by the Ontario Government Cable Testing Laboratory for the ropes, times the number of ropes, divided by the sum weight of the conveyance and attachments, the maximum conveyance load carried and the maximum weight of rope suspended in one compartment of the shaft.

Idem (10) The factor of safety of the tail rope shall not be less than 7 when installed. *New.*

Rope discarded 377. No hoisting rope shall be used in a shaft or winze where in any part of the rope,

(a) the existing strength has decreased to less than 90 per cent of the original strength of the rope;

(b) the extension of a test piece has decreased to less than 60 per cent of its original extension when tested to destruction;

(c) the number of broken wires in any section of the rope equalling the length of one lay of the rope exceeds six;

(d) marked corrosion occurs;

(e) the rate of stretch in a friction hoisting rope begins to show a rapid increase over the normal stretch noted during its service. R.S.O. 1960, c. 241, s. 376, *amended.*

Rope dressing 378.—(1) The rope dressing used on a drum hoisting rope shall be suited to the operating conditions of the rope, and the dressing shall be applied at least once in every month and as often as is necessary to maintain the coating on the rope in good condition. R.S.O. 1960, c. 241, s. 377 (1), *amended.*

Idem (2) Every time the rope is dressed, a report of the treatment shall be recorded in the Hoisting Machinery Record Book and signed by the person who performed the work. R.S.O. 1960, c. 241, s. 377 (2).

Rope Testing

Testing of hoisting rope 379.—(1) At least once in every six months, the hoisting rope of a drum hoist shall have a portion not less than eight feet in length cut off the lower end from a position above the clamps or other attachment. R.S.O. 1960, c. 241, s. 378 (1), *amended.*

(2) The length so cut shall have the ends adequately ^{Ends adequately bound} fastened with binding wire before the cut is made to prevent the disturbance of the strands and shall be sent to the Ontario Government Cable Testing Laboratory for a breaking test. R.S.O. 1960, c. 241, s. 378 (2).

(3) In friction hoist installations, specimens shall be sub- ^{Tests required for friction hoist ropes} mitted for test and examination during the life of the rope if and when available and as close to six-month intervals as practicable. *New.*

(4) The certificate of the test shall be kept on file and a ^{Recording of test} summary thereof recorded in the Rope Record Book. R.S.O. 1960, c. 241, s. 378 (3).

380.—(1) The chief engineer may require that test speci- ^{Special testing of used hoisting ropes} mens shall be cut from any rope discarded for use in mine hoisting at points specified by him and sent to the Ontario Government Cable Testing Laboratory for special testing and investigation if he is of the opinion that such testing and investigation are in the interest of better mine hoisting practice.

(2) No charge shall be made for such special testing and ^{No charge for testing} investigation. R.S.O. 1960, c. 241, s. 379.

Clearance for Tail Ropes

381. Water and muck spillage in the shaft sump shall be ^{Tail ropes to be clear} kept at such a level that the tail ropes shall have a clear passage at all times. *New.*

Rope Attachments

382.—(1) A hoisting rope when newly put on, and after ^{Examination of attachments} any subsequent cutting thereof, shall have the connecting attachments between the bucket, cage, skip or counterweight and the connection between the drum and the rope carefully examined by some competent and reliable person or persons authorized by the owner, manager or department head, and shall not be used for ordinary transport of persons in a shaft or winze until two complete trips up and down the working parts of the shaft or winze have been made, the bucket, cage, skip or counterweight bearing its authorized load.

(2) The hoistman shall make a record of such two complete ^{Record to be kept} trips in the Hoistman's Log Book.

(3) The results of the examination of the connecting ^{Results to be recorded} attachments between the bucket, cage, skip or counterweight and hoist drum and the rope shall be recorded in the Hoisting Machinery Record Book and signed by the person making the examination. R.S.O. 1960, c. 241, s. 380.

Cleaning and examination of rope connections 383.—(1) Every six months, the connection between the rope and the bucket, cage, skip or counterweight shall be thoroughly cleaned and examined. R.S.O. 1960, c. 241, s. 381 (1), *amended*.

Idem (2) At such time, the connection between the rope and the drum shall be thoroughly cleaned and examined. R.S.O. 1960, c. 241, s. 381 (2).

Counter-weight 384. The rope from the counterweight shall be attached to the drum of the hoist and not to the shaft conveyance in drum hoist installations. R.S.O. 1960, c. 241, s. 382, *amended*.

Examination of Ropes and Safety Appliances

Examination of ropes and safety appliances 385.—(1) The owner or manager shall depute a competent person or persons who shall examine,

- (a) at least once in each day, the exterior of the hoisting rope and tail rope to detect the presence of kinks or other visible damage and to note the appearance of the rope dressing;
- (b) at least once in each month, the structure of that portion of the hoisting rope that is not on the hoist drum when the conveyance is at its lowest stopping point, and the tail rope, with a view to ascertaining the deterioration thereof, and for the purpose of this examination the rope shall be cleaned at points selected by such person or persons, who shall note any reduction in the diameter or circumference of and the proportion of wear in the rope, and the starting point of the examination shall be changed slightly from month to month in order to obtain more complete information, but any portion showing appreciable reduction in diameter or circumference or appreciable wear shall be checked when the rope is again examined;
- (c) the portion of the rope that normally remains on the drum of a drum hoist when the conveyance is at its lowest stopping point, and shall lubricate such portion, and, if, during the examination of the rope, significant deterioration is found in the portion on the drum or at the cross-over points, the rope shall be shortened sufficiently to eliminate any crushed portion or to change the position of the cross-over points if either or both are necessary;
- (d) at least once in each day, the safety catches, if any, of the conveyance, to be sure they are clean, sharp and in proper adjustment and working condition;

- (e) at least once in every three months, the safety catches of the cage or other shaft conveyance so equipped by testing the same, such test to consist of releasing the empty conveyance suddenly in some suitable manner from rest so that the safety catches have the opportunity to grip the guides, and, in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for raising or lowering men until the safety catches have been repaired and have been proved to act satisfactorily, as referred to in paragraph 11 of section 339. R.S.O. 1960, c. 241, s. 383 (1), *amended*.

(2) In friction hoist installations, the stretch of the hoisting rope or ropes shall be measured and recorded in the Friction Hoist Machinery Record Book. ^{Stretch to be recorded}

(3) In friction hoist installations, measurement of rope diameters and the location and number of broken wires shall be recorded monthly in the Friction Hoist Machinery Record Book. ^{Rope diameters and broken wires to be recorded} *New*.

(4) If the mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or cause to be conducted specific tests of the safety catches with which a conveyance is equipped. ^{Mechanical engineer may conduct tests}

(5) If on examination there is discovered any weakness or defect whereby the safety of persons may be endangered, the weakness or defect shall be immediately reported to the owner or manager or person in charge and, until the weakness or defect is remedied, the hoisting plant shall not be used. ^{Defects to be remedied at once} R.S.O. 1960, c. 241, s. 383 (2, 3).

(6) It is the duty of the person referred to in subsection 1 to record the reports of all examinations therein referred to and also to record all reports referred to in subsection 5 in a book called the Hoisting Machinery Record Book or the Friction Hoist Machinery Record Book, whichever is applicable. ^{Recording of examination and reports} R.S.O. 1960, c. 241, s. 383 (4), *amended*.

Hoisting Machinery Record Books

386.—(1) The owner or manager shall keep or cause to be kept at the mine the Hoisting Machinery Record Books referred to in section 366, in which shall be entered a report of every examination or report referred to in sections 339 and 366, subsection 2 of section 378, subsection 3 of section 382 and sections 383 and 385, and a notation of any failure of, accident to, correction or repairs to the hoist, the hoisting rope, ^{Entering of reports}

the shaft conveyance or any other part of the hoisting, dumping or loading equipment, signed by the person making the examination or report.

Entries to
be signed

(2) Such entries shall be read and signed each day, week or month, as is required by this Act, by the person in charge of such equipment or accessories thereto.

What to
be entered

(3) A notation shall be made in the Hoisting Machinery Record Books of the action taken regarding the report of any failure of, accident to, corrections or repairs to the hoist, the hoisting rope, the shaft conveyance or any other part of the hoisting, dumping or loading equipment, over the signature of the person in charge of such equipment or accessories thereto.

Books to be
available

(4) The Hoisting Machinery Record Books shall be made available to the engineer at all times. R.S.O. 1960, c. 241, s. 385, *amended*.

Raise Climbers

Brakes

387.—(1) Raise climbers shall be fitted with more than one means of braking, each capable of stopping the climber and holding it in place.

Maintenance

(2) Raise climbers shall be maintained in safe operating condition.

Testing of
brakes

(3) The operator of a raise climber shall ensure at the beginning of his shift that the brakes are in safe working condition.

Load
capacity

(4) The rated load capacity of the equipment as certified by the manufacturer shall not be exceeded.

Log book

(5) Where raise climbers are used pursuant to section 271 or subsection 2 of section 315, an approved log book shall be maintained.

Record
kept

(6) A record of inspections, maintenance and repairs shall be maintained in the log book.

Availability
to engineer

(7) The log book shall be available to the engineer at all times. *New*.

Elevators

Folding
gates

388.—(1) Every entrance to a hoistway shall be provided with a substantial door or doors or gate or gates at least five feet six inches in height.

(2) All folding gates over three feet wide shall have top, ^{Idem} bottom and centre braces.

(3) Every gate or door opening to an elevator hoistway ^{Interlocks} shall be so controlled by an interlocking device that the elevator cannot be moved unless the door or gate is properly closed and that the door or gate cannot be opened unless the elevator car is in the proper position at the floor or landing place. R.S.O. 1960, c. 241, s. 386.

389. Every hoistway landing place shall be adequately ^{Lighting} lighted. R.S.O. 1960, c. 241, s. 387.

390. When a hoistway is not enclosed in walls, access to ^{Guarding} the hoistway by means of an adjacent stairway shall be prevented by means of a partition to a height of at least six feet. ^{hoistway} R.S.O. 1960, c. 241, s. 388.

391. All guide rails for cars and counterweights shall be ^{Guide} of substantial construction and shall be securely fastened to ^{rails} the sides of the hoistway, and the bottom ends shall rest on a secure foundation and shall be firmly fixed in that position. R.S.O. 1960, c. 241, s. 389.

392. At every elevator, other than an approved auto- ^{Clearance} matically-controlled passenger elevator, a clear space of not ^{for car} less than three feet shall be provided between the bottom of the hoistway and the lowest point of the car when the car is at its lowest landing, and between the top of the car and the sheave when the car is at its top landing, and also between the top of the counterweight and the sheave when the car is at its lowest landing. R.S.O. 1960, c. 241, s. 390.

393. Every elevator shall be provided with automatic ^{Automatic} devices at the top and bottom of the travel of a car in the ^{safety} hoistway, so arranged that the car will be stopped before it ^{devices} has travelled two feet above the top landing, or two feet below the bottom landing, and all drum hoists shall, in addition, be fitted with automatic stop motions to prevent overwinding. R.S.O. 1960, c. 241, s. 391.

394. All counterweights shall have their sections strongly ^{Protecting} bolted together, shall be so placed that they cannot fall ^{counter-} on any part of the elevator or machinery and shall be sus- ^{weights} pended in guides in such a manner that they will run freely without danger of being detached. R.S.O. 1960, c. 241, s. 392.

395. Every elevator on which any person travels shall be ^{Protection} provided with side casing and shall have a door or doors ex- ^{on elevator} tending at least five feet above the bottom of the elevator, and the top shall be covered with suitable protective roofing. R.S.O. 1960, c. 241, s. 393.

- Safety catches** 396.—(1) Every elevator on which any person travels shall be provided with efficient safety catches capable of holding the elevator and its maximum load in any position in the hoistway.
- Idem** (2) When the safety catches are operated through shafts, all the levers and safety catches shall be keyed to the shafts. R.S.O. 1960, c. 241, s. 394.
- Signalling devices** 397. For every elevator on which any person travels, other than an elevator equipped with approved controls for automatic operation, there shall be provided at every floor or landing place suitable devices to signal to the elevator car operator. R.S.O. 1960, c. 241, s. 395.
- Inspection of elevators** 398.—(1) The ropes, safety devices, safety catches, signalling devices, doors, interlocks and other electrical and mechanical equipment necessary to the safe operation of elevators shall be inspected at least once each month.
- Records available** (2) The records of such inspection shall be made available to the engineer. R.S.O. 1960, c. 241, s. 396.
- Posting capacity of elevator** 399. The manufacturer's rated capacity for the elevator shall be posted in the elevator. R.S.O. 1960, c. 241, s. 397.
- Age, elevator operators** 400. No person under the age of eighteen years shall be allowed to operate an elevator, other than an automatically-controlled elevator. R.S.O. 1960, c. 241, s. 398, *amended*.

Travelling Cranes

- Interpretation** 401.—(1) In this section and in sections 530 and 531, "crane" means a crane that travels on fixed tracks and is operated from a cab mounted on the crane. *New*.
- Warning devices** (2) Every crane shall be equipped with a whistle, bell, gong or horn that shall be sounded at such times as are necessary to give warning of the approach of the crane to places where men are working or are liable to pass. R.S.O. 1960, c. 241, s. 399 (1), *amended*.
- Devices to prevent overwind** (3) Every crane shall be equipped with suitable devices to prevent overwinding. R.S.O. 1960, c. 241, s. 399 (2).
- Daily examination of cranes** (4) The owner or manager shall depute some qualified person or persons to examine daily such parts of the crane or apparatus pertaining thereto upon the proper working of which the safety of persons depends. R.S.O. 1960, c. 241, s. 400 (1).

(5) A record of the examination and other regular maintenance examinations shall be kept, signed by the person making the examination, and such record shall be available to the engineer at all times. R.S.O. 1960, c. 241, s. 400 (2), *amended*. Record available

(6) No person, other than the operator, shall be permitted to ride on a crane or any part thereof or on any material carried by the crane, except for inspection, supervision, maintenance and repair, or the instruction of a new operator. R.S.O. 1960, c. 241, s. 401. Riding prohibited

(7) No person under the age of eighteen years shall be allowed to operate a power-driven crane controlled from a cab. R.S.O. 1960, c. 241, s. 402, *amended*. Age, crane operators

Protection from Machinery

402. Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates, shall be enclosed with a substantial railing or casing, unless situated in such a manner or location as to prevent a person from coming into accidental contact therewith. R.S.O. 1960, c. 241, s. 403. Fly-wheel, geared-wheel, etc.

403. Every key, bolt, set-screw, and every part of a wheel or other revolving machinery that projects unevenly from the surface, shall be covered, unless situated in such a manner or location as to prevent a person from coming into accidental contact therewith. R.S.O. 1960, c. 241, s. 404. Uneven projections to be covered

404.—(1) Every stationary power-driven grinding wheel shall be provided with a suitable hooded guard. R.S.O. 1960, c. 241, s. 405 (1), *amended*. Grinding wheels to be guarded

(2) Such guard shall be adjusted close to the wheel and extended forward, over the top of the wheel, to a point at least 30 degrees beyond a vertical line drawn through the centre of the wheel. R.S.O. 1960, c. 241, s. 405 (2). Idem

405. Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing. R.S.O. 1960, c. 241, s. 406. Wearing loose clothing

406. Every runway or staging more than five feet from the floor and used for oiling or other purposes shall be provided with a hand-railing. R.S.O. 1960, c. 241, s. 407. Runway to have hand-railing

407. Every entrance to an elevator, hatchway or well-hole shall be provided with a suitable trap-door, guard-rail or automatically-closing gate. R.S.O. 1960, c. 241, s. 408. Protection of entrance

Counter-weights

408. Every counterweight shall be so situated or guarded that injury to a person would not be probable should it become detached from its fastenings. R.S.O. 1960, c. 241, s. 409.

Track condition

409.—(1) Every switch in a track, either above or below ground, on which cars are moved by mechanical power shall have the frog and guard rail entrances provided with a guard block if its construction is not such that the hazard of a man's foot being caught in it is reduced to a minimum. R.S.O. 1960, c. 241, s. 410 (1), *amended*.

Maintenance of tracks

(2) All tracks shall be maintained in good working condition. R.S.O. 1960, c. 241, s. 410 (2).

Conveyors, belts

410.—(1) No person shall ride on a conveyor or belt, other than an escalator or man-lift approved by the chief engineer. R.S.O. 1960, c. 241, s. 411 (1).

Idem

(2) The following apply to installations of conveyor belts that exceed 100 feet in length:

1. There shall be an approved means for stopping the conveyor belt, available to any person along its course, by a device that is not capable of restarting the conveyor belt.
2. There shall be a suitable means of locking or tagging the control switch, or both, to prevent the conveyor belt from starting, and any control switch that is locked shall not be a push-button switch.
3. Where practicable, there shall be suitable warning before starting a conveyor belt to warn persons along its course.
4. Where conveyorways are used as regular travelways, suitable means shall be provided to protect persons from material that may fall from the belt. R.S.O. 1960, c. 241, s. 411 (2), *amended*.

Idem

(3) All inclined conveyorways shall be equipped with a suitable walkway or travelway to allow access for maintenance purposes. *New*.

Clay, Sand and Gravel Pits, and Quarries

Undermining forbidden

411.—(1) In workings of clay, sand and gravel or other types of unconsolidated material, the method of removing material by undermining shall not be used.

(2) No working place shall have a vertical height of more ^{Idem} than ten feet, unless the material is at a suitable angle to ensure safety.

(3) Where the thickness of the material exceeds ten feet ^{Idem} in vertical depth, the work shall be done in terraces or at a suitable angle to ensure safety. R.S.O. 1960, c. 241, s. 412 (1-3).

(4) Where mechanical equipment is used in loading un-^{Mechanical equipment} consolidated material, unless the material is at a suitable angle of repose, no working place shall have a vertical height of more than five feet above the top of the boom or the bottom of the bucket raised to its highest operating position. R.S.O. 1960, c. 241, s. 412 (4), *amended*.

412. Unless permission in writing is first obtained from ^{Height of face} the chief engineer, all open-cut (cast) operations (workings) over sixty-five feet in depth shall be worked in benches not more than sixty-five feet high, and due precautions shall be taken to maintain the walls, benches and broken material in a safe working condition, and no working face shall be advanced by undercutting, except where a tunnelling method is used. R.S.O. 1960, c. 241, s. 413 (1), *amended*.

413. Every pit or quarry dangerous by reason of its depth ^{Fencing pits and quarries} shall be securely fenced or otherwise protected against inadvertent access. R.S.O. 1960, c. 241, s. 414, *amended*.

414.—(1) In all open-pit workings, all unconsolidated ^{Stripping overburden} materials, such as clay, earth, sand, gravel and loose rock lying within six feet of the rim of the pit or quarry, shall be removed. R.S.O. 1960, c. 241, s. 415 (1), *amended*.

(2) Beyond this strip, all overburden shall be sloped to an ^{Idem} angle less than its natural angle of repose. R.S.O. 1960, c. 241, s. 415 (2).

415. When dumping material from a vehicle to a stock-^{Precautions when dumping} pile, due precautions shall be taken to keep the vehicle at a safe distance from the edge. *New*.

416.—(1) Unless the adjoining owners agree to dispense ^{Party walls of pits and quarries} therewith, in sand, clay or gravel or other natural unconsolidated material, excavation operations shall not be carried on within a distance from the property boundary of half the height of the total pit face, and material that sloughs from within this distance shall not be removed.

- Excavation restriction (2) Unless the adjoining owners agree to dispense therewith, no quarrying shall be carried on in a rock quarry within a distance of fifteen feet of the property boundary. R.S.O. 1960, c. 241, s. 416 (1, 2), *amended*.
- Idem (3) Where there is overburden, the natural slope of the overburden shall be allowed for beyond this distance from the property boundary as required under section 414. R.S.O. 1960, c. 241, s. 416 (3).
- Examination of wall 417.—(1) No person shall be permitted to work near the pit or quarry wall until the wall has been examined by the foreman in charge of the crew. R.S.O. 1960, c. 241, s. 417 (1), *amended*.
- Idem (2) If the wall is found unsafe, the foreman shall have all hazards removed before permitting any other work. R.S.O. 1960, c. 241, s. 417 (2).
- Inspection of derrick guy wires 418. Derrick guy wires shall be regularly inspected and maintained. R.S.O. 1960, c. 241, s. 418.
- Life lines 419.—(1) It is the duty of each man engaged in work on the wall of the pit or quarry, at such operations as barring loose material, scaling and cleaning, to continually wear a life line. R.S.O. 1960, c. 241, s. 419 (1), *amended*.
- Snubbing, etc. (2) The life line shall be securely snubbed above the working place and shall be under the supervision of a snubtender, or the line may be held taut by one or more fellow-workmen. R.S.O. 1960, c. 241, s. 419 (2).
- Hoisting of men prohibited 420. No person shall be hoisted or allow himself to be hoisted or lowered by means of a hoist or derrick at a pit or quarry unless permission is first obtained in writing from the chief engineer. R.S.O. 1960, c. 241, s. 420.
- Signalman to clear area 421. Where a load is being hoisted or lowered by means of a hoist or derrick at a pit or quarry, the signalman shall notify all persons in the vicinity to retire to a place of safety until the load has cleared the danger zone. R.S.O. 1960, c. 241, s. 421.
- Deraill at top of incline 422.—(1) An effective block, automatic derail or safety switch shall be provided at the top of each inclined place to prevent cars accidentally running down.
- Exception (2) Such installation, however, is not required where the skip or car remains on the hoisting cable. R.S.O. 1960, c. 241, s. 422.

423. At all rock quarries, a record of each primary blast, ^{Record of primary blasts} signed by the person in charge of the blast, shall be kept and the following information recorded:

1. Date, time and location of the blast.
2. Burden, spacing, depth and number of holes blasted.
3. Weight of explosive, footage of top stemming and firing delays used in respect of each hole.
4. Weight of explosives used per estimated ton broken.
R.S.O. 1960, c. 241, s. 423.

424. Unless the movement of the hoisting conveyance is ^{Hoisting signals} visible to the hoistman at all times, a suitable signal system shall be installed and maintained, and suitable signals, approved by an engineer, shall be used. R.S.O. 1960, c. 241, s. 424.

425.—(1) At every pit or quarry, there shall be provided and ^{Travelling ways} maintained in good condition a suitable travelling way leading from the working level of the pit or quarry to the surface. R.S.O. 1960, c. 241, s. 425 (1), *amended*.

(2) Where the travelling way is inclined at more than ^{Idem} 30 degrees and less than 50 degrees to the horizontal, stairways or ladders shall be provided.

(3) All stairways shall be equipped with substantial and ^{Idem} suitably-placed hand-rails.

(4) Where the travelling way is inclined at more than ^{Idem} 50 degrees to the horizontal, ladders shall be used.

(5) Substantial platforms shall be built at intervals not ^{Idem} exceeding twenty-one feet in the ladderway and at all places where the ladders are off-set. R.S.O. 1960, c. 241, s. 425 (2-5).

(6) Except for approved access ladders to equipment, no ^{Idem} ladder shall be installed at an inclination of more than 70 degrees to the horizontal. R.S.O. 1960, c. 241, s. 425 (6), *amended*.

426. Adequate lighting, safe footing and sufficient room ^{Safe working conditions about machinery} shall be provided for all workmen who are required to work near or about machinery. R.S.O. 1960, c. 241, s. 426.

Crushing Plants, Mills and Metallurgical Works

Antidotes
and washes

427.—(1) At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced, there shall be kept in a conspicuous place, as near the compounds, solutions or gases as is practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases.

Idem

(2) Such antidotes and washes shall be properly labelled and explicit directions for their use affixed to the boxes containing them. R.S.O. 1960, c. 241, s. 427.

Storage,
production,
etc., of acids,
poisons

428. Due provision shall be made at all plants, where acids or poisonous compounds are produced, transferred, used or stored, to reduce to a minimum the hazard of handling or storing such materials. R.S.O. 1960, c. 241, s. 430, *amended*.

Removal
of dust

429. In every mill or plant where, by reason of dry crushing or otherwise, there is in the air of the building dust in quantity to be injurious to health, suitable apparatus shall be installed for its removal. R.S.O. 1960, c. 241, s. 428.

Poisonous
vapours

430.—(1) In every mill or plant where poisonous vapours or gases exist or may be formed, suitable means shall be adopted to provide such ventilation as will prevent the formation of dangerous concentrations of the same. R.S.O. 1960, c. 241, s. 429.

Precaution
when
entering
tank

(2) No person shall enter or be permitted to enter a tank until due precautions have been taken to ensure that the atmosphere is safe. *New*.

Transfer of
liquids by
compressed
air

431. The transfer of liquids from one location or container to another location or container by the application of air under pressure shall not be permitted, except where properly-designed and tested equipment is used for this purpose. R.S.O. 1960, c. 241, s. 431.

Life lines,
for work
in bins

432.—(1) No person shall enter or be allowed to enter a storage bin from which material is drawn off at the bottom while material is stored therein, unless a second person is in constant attendance and suitable precautions are taken against the danger of caving material.

to be
provided
and worn

(2) The owner or manager shall, when necessary, provide life lines for the workmen, and it is the duty of the workmen to continually wear such life lines when, by so doing, the interests of safety are advanced. R.S.O. 1960, c. 241, s. 432.

433. Where in the opinion of the engineer the use of ^{Bin} working platforms in or at bins is advisable, they shall be ^{platforms} provided, used and maintained in a safe working condition. R.S.O. 1960, c. 241, s. 433.

434.—(1) Guard-rails shall be placed at the approach to ^{Guard-rails} tracks on surface, where mechanical haulage is used and where ^{at track} the view of the tracks is obstructed in one or both directions. ^{approaches}

(2) Where restricted clearances make the use of guard-rails ^{When} impractical in the opinion of an engineer, he may permit ^{impractical} such guard-rails to be omitted but shall require that there be installed at the track approaches a suitable type of warning signal that will automatically give adequate, audible and visible warning at all times of the approach of the conveyance, or that a switchman shall walk ahead of the leading conveyance on the track when the conveyance is in dangerous proximity to the area requiring guarding and stand guard at such approaches. R.S.O. 1960, c. 241, s. 434.

435.—(1) Workmen employed at metallurgical works shall ^{Shields for} be supplied with suitable shields and appliances to protect ^{protection} them as far as possible against being burned with molten ^{against} metal or other material. ^{burning}

(2) It is the duty of all workmen to use such shields and ^{Use} appliances. R.S.O. 1960, c. 241, s. 435.

436. Before any person or persons are allowed to work on ^{Inspection} stock piles of ore, limestone, coke or other material, the stock ^{of stock pile} piles shall be inspected by some authorized person whose duty it is to see that they are in a safe working condition. R.S.O. 1960, c. 241, s. 436.

437. Each scale car shall be provided with an audible ^{Scale cars} warning alarm that shall be sounded by the operator each time a car is started, or each car shall be equipped with an automatic mechanical warning alarm that will sound when the car is moved. R.S.O. 1960, c. 241, s. 437.

438.—(1) Every ladle or slag pot shall be examined before ^{Examination} molten material is placed therein. ^{of moulds,} ^{etc.}

(2) Every effort shall be made to prevent molten material ^{Idem} from coming into accidental contact with cold, damp or rusty surfaces where such contact may cause an explosion. R.S.O. 1960, c. 241, s. 438.

439.—(1) When molten material is transported by me- ^{Filling of} chanical means in ladles or slag pots and the safety of persons ^{moulds, etc.}

may be endangered from splashing, every effort shall be made to ensure that the ladles or slag pots are not filled above a point four inches below the top of the vessel.

Idem (2) If this limit is exceeded, the ladle or slag pot shall not be moved until the foreman or other responsible person has warned the workmen required to handle the ladle or slag pot of this condition and has warned all persons in the vicinity. R.S.O. 1960, c. 241, s. 439.

Side clearance, haulage 440. Where mechanical haulage is used on surface and the clearance between the sides of conveyances on parallel tracks or between the sides of conveyances and the side of a building or other structure is less than eighteen inches, the location shall be plainly marked showing the danger. R.S.O. 1960, c. 241, s. 440.

Overhead clearance 441. At the approach to an overhead bridge, pipe line or a similar structure on a standard-gauge railway track and the clearance is less than six feet between the top of a railway car and the underside of the structure, a "low bridge" warning device shall be installed. R.S.O. 1960, c. 241, s. 441.

Life lines 442. Life lines and belts in good order shall be provided and kept in a secure and readily accessible place for immediate use in case it becomes necessary to rescue a workman from the top rigging, and also for use by a workman whose duties require him to work in an atmosphere that is liable to become dangerous by reason of the presence of noxious gases. R.S.O. 1960, c. 241, s. 442.

Blast furnaces

Ventilation 443. At all furnaces of the hand-filled type, the room at the furnace top, where workmen are engaged, shall be adequately ventilated. R.S.O. 1960, c. 241, s. 443, *amended*.

Protecting workmen 444. Whenever it becomes necessary for a workman to go above the casting floor, he shall notify the foreman or other responsible person, who shall see that there is always a workman in attendance whose duty it is to remain outside the gaseous area and act as a watcher and give the alarm to the casthouse or stockhouse and render every possible assistance in case of gassing or other danger. R.S.O. 1960, c. 241, s. 444.

Protection from bustle pipes 445.—(1) All bustle pipes shall be provided with safe working platforms equipped with hand-rails at least three feet six inches in height and, wherever practicable, the platform shall not rest directly on the bustle pipe, but shall be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a workman falling on it.

(2) Access to the platform shall be by a stairway provided ^{Idem} with hand-rails. R.S.O. 1960, c. 241, s. 445.

446. A suitable line of communication by telephone, gong, ^{Line of communication} or other mechanical means, shall be maintained between the furnace top, and all other dangerous places, to the casthouse, skip operator's room or other place where workmen are continuously on duty. R.S.O. 1960, c. 241, s. 446, *amended*.

447. A suitable ladderway or stairway shall be provided ^{Stairways and ladderways} from the foundation to the top of the furnace. R.S.O. 1960, c. 241, s. 447.

448. Unless an approved type of elevator is provided as a ^{Stairways protected} means of travel to the furnace top, stairways shall be installed at an angle not greater than 50 degrees from the horizontal and shall be provided with landings or turnouts at intervals of not more than twenty-five feet, measured on the slope, so that it will not be possible for a workman to fall from the top to the foundation below. R.S.O. 1960, c. 241, s. 448.

449.—(1) Every foreman shall personally supervise or ^{Supervision of hazardous work} appoint a competent person to supervise any work around the furnace involving unusual accident hazard, such as work in gas mains or cleaners, tearing out linings, work in the cast-house, about the stoves, when blowing in or blowing out, and any work about the bells or stock line. R.S.O. 1960, c. 241, s. 449 (1), *amended*.

(2) He shall also, when the furnace is known to be hanging ^{Idem} and liable to slip, see that no workman is allowed on top for any purpose. R.S.O. 1960, c. 241, s. 449 (2).

450. When ore becomes frozen or jammed in the furnace ^{Protection around bell} hopper or bell and workmen are required to bar the ore into the furnace, a suitable guard-rail shall be provided to prevent workmen slipping on to the bell. R.S.O. 1960, c. 241, s. 450.

451.—(1) There shall be maintained in readily accessible ^{Rescue apparatus} places at all metallurgical plants, where the atmosphere may contain dangerous concentrations of poisonous gases or vapours, detection equipment, breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of material for the proper operation of the apparatus. R.S.O. 1960, c. 241, s. 451 (1), *amended*.

(2) There shall also be on duty in each working shift one ^{Trained personnel} or more persons appointed by the superintendent and trained in the use of breathing and resuscitating apparatus. R.S.O. 1960, c. 241, s. 451 (2).

*Steam, Compressed Air*Steam
boilers

452.—(1) Every steam boiler used for generating steam in or about a mine, whether separate or one of a range,

- (a) shall have attached to it a proper safety-valve, and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler; and
- (b) shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the chief engineer.

Certificate
posted

(2) The certificate of inspection shall be kept posted in the boiler room at all times. R.S.O. 1960, c. 241, s. 452.

Maintenance

453. Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition. R.S.O. 1960, c. 241, s. 453.

Air receivers
and com-
pressors

454.—(1) Every air receiver installed at the surface of a mine and those installed with an air compressor underground shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the chief engineer.

Certificate
posted

(2) The certificate of inspection shall be kept posted in the compressor room at all times.

Examination
and main-
tenance

(3) All intercoolers, aftercoolers, inlet and discharge valves on stationary compressors in operation shall be examined at least once in every twelve months and shall be cleaned when necessary.

Tempera-
ture-indic-
ating device

(4) A temperature-indicating device shall be installed on the high pressure discharge of each compressor.

Idem

(5) The normal operating temperature shall be indicated by a red mark on the scale.

Idem

(6) The temperature shall be recorded at least once a shift.

Exception

(7) Subsections 3 to 6 do not apply to portable compressors, compressors discharging to atmosphere, stationary compressors of less than 300 c.f.m. capacity, banks of compressors with a total capacity of less than 300 c.f.m. discharging to a common receiver, or compressors where the cylinders are not lubricated with oil.

(8) The air receivers mentioned in subsection 1 shall be examined at least once in every twelve months and shall be cleaned when necessary. Examination
of air
receivers

(9) A book shall be kept in which shall be recorded the date of every examination and cleaning under subsections 3 and 8 and a note shall be made as to the condition of the appliance examined or cleaned. R.S.O. 1960, c. 241, s. 454. Record of
examinations

PROVISIONS GOVERNING THE USE OF ELECTRICITY

455. In this section and in sections 456 to 594,

Interpre-
tation

1. "accessible", as applied to equipment, means permitting close approach because not guarded by locked doors, elevation or other effective means;
2. "armoured cable" means a cable provided with an outer covering, fabricated from a metal other than lead, which forms an integral part of the assembly of the cable and is designed primarily to afford mechanical protection;
3. "authorized person" means,
 - (a) a qualified person who, because of his duties or occupation, is delegated to approach or handle electrical equipment,
 - (b) any other person who, having been warned of the hazards involved, has been instructed or authorized to approach or handle electrical equipment by some person having authority to give the instructions or authorization;
4. "branch circuit" means the part of a circuit that extends beyond the final over-current devices on the circuit;
5. "circuit" means a path through which electric current can flow;
6. "circuit-breaker" means an electro-mechanical device designed to open, under both overload and short-circuit conditions, a current-carrying circuit without injury to the device;
7. "conductor" means a body so constructed from conducting material that it may be used as a carrier of electric current;

8. "contactor" means a device, operated other than by hand, for repeatedly establishing and interrupting an electric power circuit;
9. "disconnecting means" means a device, group of devices or other means whereby the conductors of a circuit can be disconnected from their source of supply;
10. "electrical equipment" means any apparatus, appliance, device, instrument, fitting, fixture, machinery, material or thing used in or for, or capable of being used in or for, the generation, transformation, transmission, distribution, supply or utilization of electric power or energy, and, without restricting the generality of the foregoing, includes any assemblage or combination of materials or things which is used, or is capable of being used or adapted, to serve or perform any particular purpose or function when connected to an electrical installation, notwithstanding that any such materials or things may be mechanical, metallic or non-electric in origin;
11. "feeder" means a conductor, or group of conductors, which transmits electrical energy from a service supply, transformer, switchboard, distribution centre, generator or other source of supply to branch circuit overcurrent devices;
12. "ground" means a connection to earth obtained by a ground electrode;
13. "ground electrode" means a buried metallic water-piping system or metal object or device buried in or driven into the ground so as to make intimate contact therewith and to which a grounding conductor is electrically and mechanically connected;
14. "grounded" means connected effectively with the general mass of the earth through a grounding system having a current-carrying capacity sufficient at all times, under the most severe conditions that are liable to arise in practice, to prevent a current in the grounding conductor from causing a harmful voltage to exist,
 - (a) between the grounded conductors and neighbouring exposed conducting surfaces that are in good contact with the earth, or
 - (b) between the grounded conductors and neighbouring surfaces of the earth itself;

15. "grounding conductor" means a path of suitable metal specially arranged as a means whereby electrical equipment is electrically connected to a ground electrode;
16. "grounding system" means all conductors, clamps, ground clips, ground plates or pipes and ground electrodes by means of which the electrical installation is grounded;
17. "guarded" means covered, shielded, fenced, enclosed or otherwise protected by means of suitable covers, or casings, barriers, rails or screens, mats or platforms, to remove the likelihood of dangerous contact or approach by persons or objects;
18. "isolating means" means a device, group of devices or other means intended for isolating an electric circuit from its source of power and intended to be operated only after the circuit has been opened by some other means;
19. "mobile", as applied to electrical equipment, means the equipment is specifically designed not to be used in a fixed position;
20. "overcurrent device" means any device capable of automatically opening an electrical circuit both under pre-determined overload and short-circuit conditions either by fusing of metal or by electro-mechanical means;
21. "overload device" means a device affording protection from excess current but not necessarily short-circuit protection, and capable of automatically opening an electric circuit either by the fusing of metal or by electro-mechanical means;
22. "qualified person" means a person familiar with the construction and operation of electrical equipment and the hazards involved;
23. "switch" means a device for making, breaking or changing connections in a circuit, and
 - (a) "general use switch" means a switch that is intended for use in general distribution and branch circuits, is rated in amperes and is capable of interrupting its rated current at rated voltage, and

- (b) "motor circuit switch" means a switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower at the rated voltage;
- 24. "switchboard" means a panel or assembly of panels on which are mounted any combination of switching, measuring, control and protective devices, buses and connections, designed with a view to successfully carrying and rupturing the maximum fault current encountered when controlling incoming and outgoing feeders;
- 25. "utilization equipment" means equipment, devices and connected wiring that utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of the supply equipment, supply lines or communication lines;
- 26. "visible break", where applied to a disconnecting means, means a switch or device wherein the separation between all members of the movable and the fixed current-carrying parts may be readily determined by visual inspection;
- 27. "voltage" or "volts" means the highest effective difference of potential between the conductors of the circuit concerned;
- 28. "voltage to ground" means,
 - (a) in grounded circuits, the highest effective difference of potential between any wire of the circuit and ground,
 - (b) in ungrounded circuits, the highest effective difference of potential existing in the circuit;
- 29. "wire gauge" means the standard known as A.W.G. (American Wire Gauge) or B. & S. (Brown and Sharpe) wire gauge. R.S.O. 1960, c. 241, s. 455, *amended*.

GENERAL

Disconnection when mine abandoned

456. In case of the abandonment of a mine, the owner, manager or superintendent shall cause such station or stations supplying power to and being the property of the mine to be disconnected from the power source and within fourteen days

shall notify the chief engineer in writing that the disconnection has been made. R.S.O. 1960, c. 241, s. 517.

457. Electrical equipment shall be designed, installed and maintained in compliance with the requirements of this Act. R.S.O. 1960, c. 241, s. 461, *amended*. ^{General}

458. The current edition of the Canadian Electrical Code, Part I, shall be accepted as good practice in the installation of electrical equipment except where it may conflict with the sections herein set forth. R.S.O. 1960, c. 241, s. 457, *amended*. ^{Accepted standard}

459. All electrical equipment shall be of such construction and so installed and maintained as to reduce life and fire hazard as far as practicable. R.S.O. 1960, c. 241, s. 458. ^{Hazard free}

460. All electrical equipment shall be suitably identified where necessary for safety. R.S.O. 1960, c. 241, s. 459. ^{Identification of equipment}

461. Electrical equipment shall show a plate bearing the maker's name and all other ratings, such as horsepower, voltage or current, necessary to prove its suitability. R.S.O. 1960, c. 241, s. 460, *amended*. ^{Nameplate required}

462.—(1) Where electrical apparatus is used at a mine, it shall be in charge of an authorized person who shall be qualified by experience to handle such apparatus. ^{Competent person in charge}

(2) Every person operating or having charge of electrical apparatus shall have been instructed in his duty and shall be competent to perform the work that he is set to do. ^{Idem}

(3) Repairs, extensions and changes to existing electrical installations shall be made only by qualified persons. R.S.O. 1960, c. 241, s. 456. ^{Idem}

463. Temporary wiring and equipment that is not in compliance with this Act may be used in an emergency, but only when under competent supervision or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons, and such temporary installations are permissible only for the period of the emergency. R.S.O. 1960, c. 241, s. 464. ^{Temporary installations}

464.—(1) Defective equipment shall be put in good order or permanently disconnected. ^{Defective equipment}

(2) Defective wiring shall be repaired or removed. R.S.O. 1960, c. 241, s. 462. ^{Defective wiring}

Work on live equipment 465.—(1) No repairs or alterations shall be carried out on any live equipment exceeding 300 volts to ground, except where complete disconnection of the equipment is not practicable.

Idem (2) If the adjustment or repairs must be made while the equipment is alive, all necessary precautions shall be taken to ensure that the work may be done safely.

Idem (3) In places where explosive or highly-flammable materials or gases are present, repair or alteration shall not be made on any live equipment. R.S.O. 1960, c. 241, s. 466.

Locking or tagging switches 466.—(1) All switches controlling apparatus shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus.

Idem (2) Notices placed on electrical equipment shall be of non-conducting materials. R.S.O. 1960, c. 241, s. 463.

Fire-extinguishing appliances 467.—(1) Where installed electrical apparatus presents a fire hazard, each room or space shall be provided with an adequate approved fire-extinguishing appliance, conveniently located and conspicuously marked. R.S.O. 1960, c. 241, s. 465 (1).

Idem (2) Any fire-extinguishing appliance that has not been approved for use on live parts shall not be placed in a room containing electrical apparatus or exposed lines unless a sign is mounted at the appliance warning against its use on electrical fires. R.S.O. 1960, c. 241, s. 465 (2), *amended*.

GROUNDING

Protection from mechanical injury 468. Grounding conductors shall have adequate protection where exposed to mechanical injury. R.S.O. 1960, c. 241, s. 471.

Circuits to be grounded 469.—(1) One conductor of all circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having a primary voltage exceeding 750 volts, except where such circuits form part of a control circuit or signalling system the grounding of which would affect the reliability of service.

Idem (2) Three-wire single-phase circuits not exceeding 300 volts between outer conductors shall have the neutral grounded.

Idem (3) One conductor of the secondary circuits of all instrument transformers shall be grounded unless the circuits are

installed and guarded as required for the high-voltage circuits of the transformers. R.S.O. 1960, c. 241, s. 472.

470.—(1) For grounding A.C. circuits, the grounding conductors shall have adequate current-carrying capacity and shall be not less than No. 8, A.W.G. R.S.O. 1960, c. 241, s. 473 (1), *amended*. Size of circuit grounding conductor

(2) The grounding conductor for secondary circuits of instrument transformers shall not be smaller than the conductors of the secondary circuit. R.S.O. 1960, c. 241, s. 473 (2). Idem

471.—(1) The exposed non-current-carrying metal parts of all electrical equipment shall be grounded when practicable, Equipment to be grounded

(a) for all equipment over 150 volts; and

(b) for all equipment under 150 volts where the exposed non-current-carrying metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls.

(2) Grounded surfaces within five feet horizontally of the parts considered or within eight feet vertically of the floor shall be considered within reach. R.S.O. 1960, c. 241, s. 474. Idem

472.—(1) The minimum size of grounding conductor for raceways and fixed equipment shall be not less than that provided by a copper conductor of a size indicated in the following table: Size of equipment grounding conductor

MINIMUM SIZE OF GROUNDING CONDUCTOR FOR RACEWAYS AND EQUIPMENT

Rating or Setting of Automatic Overcurrent Device in Circuit Ahead of Equipment, Conduit, etc., Not Exceeding—Amperes	Size of Grounding Conductor			
	Copper Wire AWG	Alum. Wire AWG	Conduit or Pipe Inch	Electrical Metallic Tubing Inch
20	16*	14*	1/2	1/2
30	14	12	1/2	1/2
40	12	10	1/2	1/2
60	10	8	1/2	1/2
100	8	6	1/2	1/2
200	6	4	1/2	1
400	4	2	3/4	1 1/4
600	2	0	3/4	1 1/4
800	0	00	1	2
1000	00	000	1	2
1200	000	0000	1	2

*Permissible only when part of an approved cable assembly.

Idem

(2) Where the grounding conductor is run outside the cable armour or conduit enclosing the associated circuit conductors, the minimum size of such a grounding conductor shall be No. 8, A.W.G. R.S.O. 1960, c. 241, s. 475, *amended*.

Grounding
conductor
size for
portable
equipment

473. Flexible cord used to supply portable equipment having a rating of fifteen amperes or less at voltages not exceeding 250 volts shall have included in the cord assembly a grounding conductor whose size shall be,

(a) not smaller than No. 16, A.W.G. if uninsulated, or No. 18, A.W.G. if insulated; and

(b) at least the same size as the current-carrying conductors, except that, in cords of No. 12, A.W.G. and larger, it may be two A.W.G. sizes smaller than the other conductors. R.S.O. 1960, c. 241, s. 476, *amended*.

Means of
attachment
to circuits
and
equipment

474. The grounding conductor, bond or bonding jumper shall be attached to circuits, conduits, cabinets, equipment and the like, which are to be grounded, by means of suitable lugs, pressure connectors, clamps or other approved means. R.S.O. 1960, c. 241, s. 477, *amended*.

Material
for
grounding
conductors

475. The grounding conductor shall be of copper or other metal that will not corrode excessively under the existing conditions. R.S.O. 1960, c. 241, s. 478, *amended*.

Piping
system
used as
ground

476.—(1) Ground connections to metallic water or air systems shall be made beyond any point liable to disconnection.

Idem

(2) Main water or air lines shall be substantially bonded together for this purpose, but shall, unless connected to a buried piping system of considerable extent that will provide a low-resistance ground, be connected to an artificial ground electrode. R.S.O. 1960, c. 241, s. 479, *amended*.

Means of
attachment
to ground
electrode

477. The grounding conductor shall be connected to the grounding electrode by means of substantial ground clamp or other equivalent means. R.S.O. 1960, c. 241, s. 480 (1).

Artificial
electrodes

478.—(1) Artificial ground electrodes shall consist of driven pipes, rods, buried plates or other devices acceptable for the purpose.

Idem

(2) Electrodes of iron or steel pipe shall be not less than $\frac{3}{4}$ -inch internal diameter and shall be galvanized.

(3) Rod electrodes shall be not less than $\frac{5}{8}$ -inch in diameter ^{Idem} if of iron or steel or $\frac{1}{2}$ -inch in diameter if of non-ferrous metal. R.S.O. 1960, c. 241, s. 481, *amended*.

479. The grounding system shall be connected to the body ^{Resistance of electrodes} of the earth, on the surface, through the lowest resistance earth-contact possible. R.S.O. 1960, c. 241, s. 482.

480. The earth-contact of the main grounding system and supplementary earth-contacts shall be provided with means to facilitate measurement of earth-contact resistances. R.S.O. 1960, c. 241, s. 483.

WIRING METHODS

481. Conductors shall be suitable for the location, use and ^{Types of conductors} voltage of the circuit and shall have sufficient current-carrying capacity for the current they are required to carry. R.S.O. 1960, c. 241, s. 467 (1).

482. Portable conductors supplying mobile equipment ^{Portable power conductors} operating at more than 300 volts shall conform with the following specifications:

1. The cable shall have a voltage rating not less than 50 per cent higher than the normal operating voltage of the circuit.
2. Cable of standard rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit where the neutral point is grounded in such a manner as to,
 - (a) limit fault current; and
 - (b) limit the possible rise of fault potential on any connected equipment to a maximum of 100 volts,

and where ground fault protection is provided.

3. All conductors including grounding conductors shall be contained in one flexible, jacketed cable assembly.
4. Where the cable contains both the power circuit and its remote control circuit, each circuit conductor shall be insulated, as required by paragraphs 1 and 2, for the highest potential employed in the cable, except that, where sheathing, as in paragraph 10, is provided, the control conductors need only be insulated for their normal operating voltage.

5. The minimum size of the power conductors shall be No. 12, A.W.G.
6. The cable shall contain as many grounding conductors as power conductors and the grounding conductors shall be located in the outer interstices between the power conductors.
7. Remote control conductors contained in the cable need not be considered power conductors in determining the number of grounding conductors.
8. The grounding conductors contained in the cable shall be uninsulated and shall have a total conductance of not less than 60 per cent of the largest power conductor.
9. The minimum size of each grounding conductor shall be not less than No. 12, A.W.G.
10. Cables on circuits operating over 750 volts shall have a grounded sheathing, consisting of tinned copper wire mesh, or the equivalent, around each power conductor, and this sheathing shall be, throughout the length of the cable, in contact with the interstitial grounding conductors.
11. Where connectors are used to attach cables to mobile equipment, the cable shall be secured in such a manner as to prevent mechanical damage.
12. Portable cable used to supply equipment in underground workings shall have an outer jacket of a material that will not support combustion and shall be continuously identified as having such a jacket. R.S.O. 1960, c. 241, s. 470, *amended*.

Guarding of
live parts

483. All exposed current-carrying parts of electrical equipment, such as bus-bars, conductors and terminals, operating at over 150 volts, shall be,

- (a) armoured;
- (b) enclosed in a suitable raceway; or
- (c) isolated by elevation or guarded. *New*.

A.C. circuits
in raceways

484. All conductors of an A.C. circuit shall be contained in the same raceway. R.S.O. 1960, c. 241, s. 467 (3), *amended*.

485. Where conductors of different systems are installed in the same raceway or armouring, each conductor shall be insulated for the highest potential employed or, in the case of a raceway, separated by a suitable barrier. *New.* Conductors of different systems in raceways or armouring

486. Conductors of different systems shall not be installed in the same box, cabinet or auxiliary gutter unless effectively separated by barriers. R.S.O. 1960, c. 241, s. 491, *amended.* Conductors of different systems in enclosures

487. Identifying barriers shall be provided between circuits where more than one set of disconnecting switches are installed adjacent to each other. R.S.O. 1960, c. 241, s. 494, *amended.* Barriers

488. Metal-covered and insulated conductors in conduit, where joined to transformers, motors, switchgear and other apparatus, shall have their metal coverings secured to such apparatus by clamps, locknuts or other devices to protect the insulated conductors from mechanical injury. R.S.O. 1960, c. 241, s. 469. Connections to apparatus

PROTECTION AND CONTROL

489.—(1) The type and rating of protective and control devices shall be suitable for their use. *New.* Type and rating of protective and control devices

(2) All protective and control devices installed outdoors shall be of a design suitable for their location. R.S.O. 1960, c. 241, s. 502, *amended.* Idem

490.—(1) Each ungrounded conductor shall be protected by an overcurrent device at the point where it receives its supply of current and at each point where the size of the conductor is decreased, except that such protection may be omitted, Overcurrent devices required

- (a) where the branch circuit is not more than twenty-five feet in length;
- (b) where the protection for a larger conductor adequately protects a smaller; and
- (c) where the opening of the circuit may cause special hazard by the interruption of service or removal of protection. R.S.O. 1960, c. 241, s. 495 (1, 4), *amended.*

(2) The rating or setting of the protective device shall not exceed the allowable current-carrying capacity of the circuit conductors except in the case of branch motor circuits where Idem

the rating or setting of the device may be increased sufficiently to take care of motor-starting currents. R.S.O. 1960, c. 241, s. 495 (2), *amended*.

Idem

(3) Unless the opening of the device disconnects all circuit conductors at the same time, no manually-operated or automatically-operated disconnecting device shall be placed in a neutral or grounded conductor. R.S.O. 1960, c. 241, s. 495 (3).

Enclosure
of over-
current
devices

491. Overcurrent devices shall be enclosed in cut-out boxes or cabinets unless they form a part of an approved assembly that affords equivalent protection or unless mounted on switchboards, panel-boards, or controllers located in rooms or enclosures free from easily ignitable material and dampness, and accessible only to authorized persons. R.S.O. 1960, c. 241, s. 497, *amended*.

General

492.—(1) Suitable control devices shall be inserted in all feeders and branch circuits. R.S.O. 1960, c. 241, s. 484 (1).

Idem

(2) All control devices shall be readily and safely accessible to authorized persons and shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them and shall indicate whether they are open or closed. R.S.O. 1960, c. 241, s. 503 (1), *amended*.

Rating of
control
devices

493.—(1) Control devices shall have ratings suitable for the connected load of the circuits they control and, with the exception of isolating switches, shall be capable of interrupting such loads. R.S.O. 1960, c. 241, s. 486 (1), *amended*.

Grouping
of control
devices

(2) Control devices shall be grouped where practicable. R.S.O. 1960, c. 241, s. 484 (3), *amended*.

Location of
control
devices

(3) All control devices shall be so arranged that the operating mechanisms are readily accessible to the operator. R.S.O. 1960, c. 241, s. 524.

Enclosure
of control
devices

494.—(1) Control devices, unless they are located or guarded so as to render them inaccessible to unauthorized persons and to prevent fire hazards, shall have all current-carrying parts in enclosures of metal or other fire-resisting material. R.S.O. 1960, c. 241, s. 490, *amended*.

Idem

(2) Manually-operable control devices shall be so constructed that they may be switched to the "off" position without exposing live parts.

(3) Manually-operable control devices shall clearly indicate ^{Idem} the "on" and "off" positions. R.S.O. 1960, c. 241, s. 487 (1), *amended*.

495. Control devices shall, if practicable, be so connected ^{Connection of control devices} that the blades or moving contacts will be dead when the device is in the open position. R.S.O. 1960, c. 241, s. 485.

496. Control devices used in combination with overcurrent ^{Control devices ahead of overcurrent devices} devices or overload devices for the control of circuits or apparatus shall be connected so that the overcurrent or overload devices will be dead when the control device is in the open position. R.S.O. 1960, c. 241, s. 489, *amended*.

497.—(1) Disconnecting means of the visible-break type ^{Visible break requirement} shall be installed on all circuits operating at over 300 volts to ground and shall be as near as practicable to the point of supply. R.S.O. 1960, c. 241, s. 493 (2), *amended*.

(2) Unless a control device on circuits over 300 volts makes ^{Idem} a visible break, there shall be installed between the control device and its point of supply a suitable disconnecting switch. R.S.O. 1960, c. 241, s. 493 (1).

498.—(1) On each ungrounded utilization system over 300 ^{Ground fault detector requirement} volts, at least one suitable device shall be installed and maintained for the purpose of indicating ground faults.

(2) Such device shall be provided with, ^{Idem}

(a) short-circuit protection; and

(b) disconnecting means.

(3) If the short-circuit device does not provide for visible- ^{Idem} break isolation, additional visible-break isolating means shall be provided.

(4) When a ground fault is indicated, it shall be located and ^{Idem} removed as soon as practicable. R.S.O. 1960, c. 241, s. 500, *amended*.

499. Adequate illumination shall be provided to allow for ^{Illumination of equipment} proper operation of electrical equipment. R.S.O. 1960, c. 241, c. 521, *amended*.

500. Where electrical equipment requires an attendant, ^{Emergency illumination of equipment} there shall be provided a separate emergency source of illumination from an independent generator, storage battery or other suitable source. R.S.O. 1960, c. 241, s. 522, *amended*.

INSTALLATION OF EQUIPMENT

Working
space

501. Adequate clear working space with secure footing shall be provided about all electrical equipment. R.S.O. 1960, c. 241, s. 507, *amended*.

Transformers

General

502. Transformers shall be of a type and design suitable for the location in which they are to be installed. R.S.O. 1960, c. 241, s. 531 (1).

Nameplate
required
for
transformers

503. Each transformer shall be provided with a nameplate bearing the following markings:

1. Maker's name.
2. Rating in kva.
3. Rated full load temperature rise.
4. Primary and secondary voltage ratings.
5. Frequency in cycles per second.
6. Liquid capacity, if of the liquid-filled type.
7. Type of liquid to be used, if it is to be filled with an approved liquid that will not burn in air. R.S.O. 1960, c. 241, s. 531 (2, 3), *amended*.

Isolation
and guard-
ing of
transformers

504. Transformers having a voltage rating in excess of 750 volts and all transformers having exposed terminals, including their conductors and control and protective devices, shall be accessible only to authorized persons and, unless isolated by elevation, they shall be surrounded by an enclosure that, if of metal, shall be grounded, and suitable warning signs indicating the highest potential employed shall be conspicuously posted. R.S.O. 1960, c. 241, s. 532, *amended*.

Special
transformers

505.—(1) Dry-core type transformers with Class A insulation, if installed within a building not of fire-resisting construction, shall be in a fire-resisting enclosure.

Idem

(2) Transformers containing an approved liquid that will not burn in air and transformers of the dry-core type with Class B or Class C insulation may be installed within or attached to the wall of a building not of fire-resisting construction, if they are surrounded by a suitable enclosure to prevent mechanical injury and access by unauthorized persons. R.S.O. 1960, c. 241, s. 533.

506.—(1) Oil-filled transformers installed outdoors shall be located not less than fifty feet distant from the shafthouse or any combustible building attached thereto, and means shall be provided to contain escaping oil or to direct the flow away from such buildings. ^{Liquid-filled transformers}

(2) Oil-filled transformers shall not be mounted on or above combustible roofs and, if attached to the exterior of a building other than a transformer-house, shall be placed only against non-combustible walls and away from all openings. ^{Idem}
R.S.O. 1960, c. 241, s. 534 (1, 2).

(3) Transformer buildings containing oil-filled transformers, if not entirely of fire-resisting construction, shall be located at least fifty feet distant from any other combustible building. ^{Idem}
R.S.O. 1960, c. 241, s. 535, *amended*.

(4) Oil-filled transformers, if within a building other than a transformer-house, shall be in a vault. ^{Idem}
R.S.O. 1960, c. 241, s. 534 (3), *amended*.

(5) Transformers having their cores immersed in a liquid that will not burn in air may be installed without a vault if, ^{Idem}

(a) the transformer is protected from mechanical damage either by location or guarding;

(b) a pressure relief vent is provided where the rating exceeds 25 kva at 25 cycles or $37\frac{1}{2}$ kva at 60 cycles; and

(c) a means of absorbing gases generated by arcing inside the case, or a pressure relief vent connected to outdoors, is provided where the transformer is installed in a poorly-ventilated section. *New*.

507.—(1) When primaries are above 750 volts, secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact with persons, shall be in permanently-grounded conduit or armour. ^{Instrument transformers}
R.S.O. 1960, c. 241, s. 539, *amended*.

(2) Secondary circuits of current transformers shall be provided with means for short-circuiting them that can be readily connected while the primary is energized and that are so arranged as to permit the removal of any instrument or other device from the circuits without opening the circuits. ^{Idem}
R.S.O. 1960, c. 241, s. 538.

508. Each transformer or each bank of transformers operating as a unit shall have overcurrent protection. ^{Overcurrent protection for transformers}
R.S.O. 1960, c. 241, s. 537, *amended*.

Control and protection requirements 509.—(1) Control and protective devices, complying with one of the following, shall be installed for all power and distribution transformers:

1. Circuit-breakers of adequate interrupting capacity and rating.
2. Fuses of adequate rating and interrupting capacity preceded by suitable group-operated visible-break load-interrupting devices capable of making and interrupting their full load rating and that may be closed with safety to the operator with a fault on the system.
3. Fuses of adequate rating and interrupting capacity preceded by a group-operated visible-break air-break switch capable of interrupting the magnetizing current of the transformer installation and that may be closed with safety to the operator with a fault on the system and so interlocked with the transformer secondary load interrupters as to prevent its operation under load.

Idem (2) Where the transformer rating does not exceed 100 kva per phase and the potential between phases does not exceed 7,200 volts, a single-pole disconnecting fuse of adequate interrupting capacity may be used on the primary. R.S.O. 1960, c. 241, s. 536, *amended*.

Switchboards and Switchgear

General 510. Panels of switchboards shall be of incombustible material and shall be substantially supported on a metal framework. R.S.O. 1960, c. 241, s. 523.

Illumination of switchboards 511. Adequate illumination shall be provided for reading instruments and other operations. R.S.O. 1960, c. 241, s. 526.

Location of switchgear 512. Switchgear, if not of the dead-front or enclosed type, and live parts on the rear of dead-front switchboards shall be inaccessible to unauthorized persons. R.S.O. 1960, c. 241, s. 528, *amended*.

Clearance back of switchboard 513.—(1) There shall be a space of not less than three feet between equipment on the back of a fixed switchboard and the nearest adjacent wall when such equipment is less than seven feet from the floor.

Ingress and egress (2) Ready means for ingress and egress to the space behind the switchboard shall be provided.

(3) Doors or gates of suitable material may be provided ^{Doors, etc.} at such points for guarding-purposes but they shall be capable of being readily opened from the inside without the use of a key or tool.

(4) The space behind the switchboard shall be kept clear ^{Space to be kept clear} of foreign material and shall not be used for storage purposes. R.S.O. 1960, c. 241, s. 525, *amended*.

Transmission Lines

514. All electrical supply lines and equipment shall be of ^{General} suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce the life hazard as far as practicable. R.S.O. 1960, c. 241, s. 540.

515. Conductors and other current-carrying parts of supply ^{Isolation and guarding} lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible or shall be provided with guards so as to isolate them effectively from accidental contact of person. R.S.O. 1960, c. 241, s. 541.

516. Where conductors over 300 volts are attached to any ^{Entrance to buildings} building for entrance, they shall be isolated by elevation or guarded. R.S.O. 1960, c. 241, s. 542, *amended*.

517.—(1) Supply lines carried over railways operated by ^{Clearance over railways} steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and the clearances overhead as called for in the regulations of the Board of Transport Commissioners for Canada.

(2) Supply lines crossing over railways on which standard ^{Idem} equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported. R.S.O. 1960, c. 241, s. 543.

Storage batteries

518. Storage batteries shall be kept in inaccessible battery ^{Location of storage batteries} rooms or enclosures used for no other purpose where,

(a) the aggregate capacity at the eight-hour discharge rate exceeds five kilowatt hours; and

(b) the batteries are in unsealed jars or tanks. R.S.O. 1960, c. 241, s. 570, *amended*.

Ventilation
of
battery
rooms

519.—(1) Storage battery rooms shall be thoroughly ventilated.

Idem

(2) Adequate means shall be provided for sufficient diffusion and ventilation of the gases from the battery to prevent the accumulation of an explosive mixture. R.S.O. 1960, c. 241, s. 571, *amended*.

Lightning Arresters

Indoor
installation
of lightning
arresters

520. Where lightning arresters are installed in a building, they shall be located well away from all equipment, other than that which they protect, and from passageways and combustible parts of buildings. R.S.O. 1960, c. 241, s. 556, *amended*.

Location
of lightning
arresters

521. Lightning arresters installed for the protection of utilization equipment,

(a) may be installed either inside or outside the building or enclosure containing the equipment to be protected; and

(b) shall be isolated by elevation or guarded. R.S.O. 1960, c. 241, s. 558, *amended*.

Grounding

522.—(1) All non-current-carrying parts of lightning arresters shall be grounded, unless effectively isolated by elevation or guarded as required for live parts of the voltage of the circuit to which the arrester is connected. R.S.O. 1960, c. 241, s. 557.

Idem

(2) Grounding conductors for lightning arresters on power transmission systems shall be run as directly as possible and be of low resistance and ample capacity. R.S.O. 1960, c. 241, s. 560.

Idem

(3) In no case shall such grounding conductors be less than No. 6 copper wire, nor shall such grounding conductors pass through metal conduits unless electrically connected to both ends of the conduits. R.S.O. 1960, c. 241, s. 561.

Motors

Control
required

523.—(1) All motors shall be provided with proper starting equipment rated in horsepower and, for all motors up to 50 horsepower, except as provided for below, the motor and its starting equipment shall be controlled by a motor-circuit switch that will disconnect all ungrounded conductors of the circuit, leaving the motor and entire starting equipment dead.

(2) An isolating switch or a general-use switch treated as an *Idem* isolating switch may be used for motors of more than 50 horsepower. R.S.O. 1960, c. 241, s. 508.

524.—(1) For all motors up to 750 volts, the motor-circuit switch shall have a horsepower rating not less than that of the motor it controls. ^{Rating of control}

(2) Where a general-use switch or an isolating switch is *Idem* used for motors of more than 50 horsepower, it shall have a rating not less than 115 per cent of the current rating of the motor as shown on the nameplate and a minimum rating of 200 amperes. R.S.O. 1960, c. 241, s. 509.

525. In all cases, the motor-circuit switch, general-use switch or isolating switch shall be of the visible-break type. ^{Visible-break requirement} R.S.O. 1960, c. 241, s. 510.

526. One motor-circuit switch may serve a group of motors if the motors drive several parts of a single machine or apparatus. ^{Single disconnecting means for a group of motors} R.S.O. 1960, c. 241, s. 511.

527. Manually-operated motor starters of the compensator type, having both a starting and running position, shall be so designed that they cannot remain in the starting position. ^{Starters having different starting and running position} R.S.O. 1960, c. 241, s. 513.

528. Motors shall be disconnected from the source of supply in case of low voltage by one of the following means unless it is evident that no hazard will be incurred through the lack of such disconnection: ^{Under-voltage protection required}

1. Where automatic re-starting is liable to create a hazard, the motor control device shall provide low-voltage protection.
2. Where it is necessary or desirable that a motor stop on failure or reduction of voltage and automatically re-start on return of voltage, the motor control device shall provide low-voltage release. R.S.O. 1960, c. 241, s. 514, *amended*.

529. Each motor shall be suitably protected against continuous overload. ^{Overload protection required} R.S.O. 1960, c. 241, s. 515, *amended*.

CRANES

530.—(1) Crane collector wires shall be isolated by elevation and, where necessary, guarded. ^{Guarding and isolation} *New*.

Disconnect-
ing means

(2) Suitable means that will disconnect, under load, all ungrounded conductors of the circuit supplying a crane, as defined in subsection 1 of section 401, shall be,

- (a) provided within sight of the main contact conductors or within sight of the equipment if there are no main contact conductors; and
- (b) accessible and operable from the ground or the floor over which the equipment operates. R.S.O. 1960, c. 241, s. 568, *amended*.

Switch
required
in cab

531. A circuit-breaker or switch, capable of interrupting the circuit under heavy loads, shall be used unless the current collector can be safely removed, under heavy loads, from the crane collector wires. R.S.O. 1960, c. 241, s. 569, *amended*.

TROLLEY WIRES

Guarding
and isolation

532. Trolley lines shall be isolated by elevation and, where necessary, guarded. R.S.O. 1960, c. 241, s. 573, *amended*.

Require-
ments for
trolley lines
underground

533. In underground workings, trolley lines shall,

- (a) be isolated by an elevation of not less than six feet;
- (b) operate at a potential not exceeding 300 volts to ground;
- (c) be effectively guarded. R.S.O. 1960, c. 241, s. 574, *amended*.

LIGHTING

Maximum
operating
voltage

534. The operating voltage of a lighting circuit shall not exceed 300 volts and the voltage to ground of a conductor shall not exceed 150 volts, but this section does not apply in the case of electric locomotives and cranes using direct current. R.S.O. 1960, c. 241, s. 564.

Neutral
identification

535. The neutral conductor on lighting circuits shall be identified by a white braid covering or other equivalent means. R.S.O. 1960, c. 241, s. 565.

Portable
hand lamps

536. Portable lamps shall have their sockets enclosed in suitably-insulated handles through which the conductors shall be carried and shall have a protective cage that encloses the lamp. R.S.O. 1960, c. 241, s. 563 (1), *amended*.

WIRING IN EXPLOSIVES AND BLASTING AGENTS STORAGE

537. All electrical wiring in explosives or blasting agents ^{General} magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses, shall be installed in rigid conduit with screwed water-tight joints or shall be armoured, moisture-proof cable. R.S.O. 1960, c. 241, s. 544, *amended*.

538. All conduit, armour, fittings and fixtures shall be ^{Grounding} permanently grounded. R.S.O. 1960, s. 241, s. 545.

539. The switches and fuses for lighting, heating or tele- ^{Location of control and protection} phone circuits for explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be in a fire-resisting cabinet located outside the compartment in which explosives, blasting agents, fuses or detonators, or blasting caps, are stored. R.S.O. 1960, c. 241, s. 546, *amended*.

540. Lighting fixtures shall be of an approved dust-tight ^{Type of lighting fixtures required} type. R.S.O. 1960, c. 241, s. 548.

541. Lighting circuits shall be fused at not more than ^{Fusing of lighting circuits} 10 amperes. R.S.O. 1960, c. 241, s. 547.

542. Circuits supplying power to explosives or blasting ^{Lightning protection} agents storage shall be protected against lightning surges. *New*.

543. Where explosives or blasting agents magazines or cap ^{Type of heating required} and fuse houses are heated electrically, a closed, liquid system shall be used. R.S.O. 1960, c. 241, s. 549, *amended*.

544. The electric heater shall be installed outside the com- ^{Location of heater} partment in which the explosives or blasting agents are stored, and the heater and radiators shall be grounded. R.S.O. 1960, c. 241, s. 550, *amended*.

545. Heater circuits shall be fused at not more than ^{Fusing of heater circuits} 125 per cent of normal current. R.S.O. 1960, c. 241, s. 551.

ELECTRIC BLASTING DEVICES

546. The firing device used for firing charges with elec- ^{Construction} tricity from lighting or power cables shall be so arranged that,

- (a) the switch mechanism will automatically return by gravity to the open position;

- (b) the live side of such device is installed in a fixed locked box and shall be accessible only to the authorized blaster;
- (c) provision is made that the leads to the face are short-circuited when the contacts of the electric blasting device are in the open position;
- (d) the box in which the electric blasting device and the short-circuiting device are mounted is provided with a lock and the door is so arranged that it cannot be closed or locked unless the contacts of the electric blasting device are open and the short-circuiting device is in place;
- (e) where electricity from 550-volt circuits is used for blasting, the device shall be electro-magnetically operated, except as provided in section 254. R.S.O. 1960, c. 241, s. 553.

Precautions
re instal-
lation of
blasting
cables

547. When blasting cables or wires are installed in the vicinity of power or lighting cables, proper precautions shall be taken to prevent the blasting cables or wires coming in contact with the lighting or power cables. R.S.O. 1960, c. 241, s. 554.

Circuits
not to be
grounded

548. Circuits having a grounded conductor shall not be used for blasting. R.S.O. 1960, c. 241, s. 555.

ELECTRIC HOISTS

General

549. Sections 550 to 575 apply to all electric hoists regardless of the method of operation. *New.*

Braking

550.—(1) For each electric hoist, protective devices shall be provided, which, in conjunction with the mechanical braking system, shall be capable of bringing a conveyance or counterbalance safely to rest under all conditions of authorized loading, direction of travel and speed without assistance from the drive.

Idem

(2) Where supplementary electrical braking is employed, at least the same degree of safety shall be supplied. R.S.O. 1960, c. 241, s. 575, *part, amended.*

Safety
requirement

551. Except where otherwise specified, current-carrying parts of any safety device shall be so designed, installed and maintained that the failure of any such part will initiate emergency braking action to bring the hoist safely to rest. R.S.O. 1960, c. 241, s. 575, *part, amended.*

552. Devices shall be installed in each hoisting compartment that, in the event of an overwound conveyance or counterbalance, shall be operated directly by the conveyance or counterbalance to initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage. Track limits required for overwind protection
 R.S.O. 1960, c. 241, s. 575, *part, amended*.

553. Devices shall be installed for each hoisting compartment that, in the event of an underwound conveyance or counterbalance, shall initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage, except that, in the case of shaft sinking, inspection and maintenance, the protection for an underwound conveyance or counterbalance may be dispensed with. Underwind protection required
 R.S.O. 1960, c. 241, s. 575, *part, amended*.

554. Devices, driven from the operating drum or drums, shall be installed, where the hoist operates at a rope speed of 750 feet per minute or greater, that, in the event of an overwound or underwound conveyance or counterbalance, will initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments meet any obstruction to its free passage, except that, in the case of shaft sinking, inspection and maintenance, the protection for an underwound conveyance or counterbalance may be dispensed with. Overwind and underwind requirements for high-speed hoists
 R.S.O. 1960, c. 241, s. 575, *part, amended*.

555. Each electric hoist shall have installed a device that will initiate an emergency stop and bring the conveyance or counterbalance to rest safely should the rope speed exceed the authorized maximum by a predetermined amount. Overspeed
 R.S.O. 1960, c. 241, s. 575, *part, amended*.

556. Devices, driven from the operating drum or drums, shall be installed where the hoist operates at a rope speed of 750 feet per minute or greater, that will enforce any necessary reduction in speed as the conveyance approaches the end of travel. Enforced slowdown
 R.S.O. 1960, c. 241, s. 575, *part, amended*.

557. No person shall alter the adjustment of any protective device without proper authority. Adjustment of protective devices
 R.S.O. 1960, c. 241, s. 575, *part, amended*.

558.—(1) Where ore or waste dumps, loading boxes or spill-doors are installed in a shaft or winze at points other than the upper and lower limits of normal travel of a conveyance Intermediate obstructions

and where any part of such dump box or door interferes with the free passage of a conveyance, there shall be installed,

- (a) travel-limiting devices;
- (b) travel-limiting devices as required by section 554, where required;
- (c) enforced slow-down devices as required by section 556, where applicable;
- (d) positive locking devices for maintaining such obstructions out of the operating position in the shaft or winze.

Idem

(2) The manager, or his agent, of a mine employing such an intermediate obstruction shall provide a procedure to be followed to ensure the safe operation of the installation.

Idem

(3) Before such an installation is made, plans and procedure shall be submitted to the chief engineer for approval. R.S.O. 1960, c. 241, s. 575, *part, amended*.

Protection
required
for hoist
electrical
system

559. Emergency braking action shall be initiated to bring a conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage in the event of,

- (a) the failure of the power supply to the hoist electric system;
- (b) an overload on the hoist-drive motors of a magnitude and duration exceeding what would be considered an operating overload; or
- (c) a short-circuit on the hoist electric system. R.S.O. 1960, c. 241, s. 576, *amended*.

Backout

560.—(1) Every electric hoist shall have installed a device to enable a conveyance or counterbalance to be removed from an overwound or underwound position.

Idem

(2) Every such device shall be manually operable only. R.S.O. 1960, c. 241, s. 577, *amended*.

Emergency
switch

561. A manually-operable switch shall be installed for each electric hoist within reach of the manual controls that will, when operated, initiate emergency braking action to bring the conveyance or counterbalance safely to rest. R.S.O. 1960, c. 241, s. 579, *amended*.

562. An underwind by-pass switch may be installed, where ^{Underwind by-pass switch} necessary, that will allow the conveyance to be lowered through the underwind position if it is held in the closed position by the hoistman and will return automatically to the open position when not so held. R.S.O. 1960, c. 241, s. 578.

563. Each electric hoist shall have installed, within plain ^{Load meter required} view of the manual controls, a meter that will indicate, at all times, the hoist motor load. R.S.O. 1960, c. 241, s. 580, *amended*.

564.—(1) Where men are transported in skips or the skips ^{Man-safety requirements} of skip-cage assemblies, there shall be installed a device that will prevent the conveyance, carrying the men, from entering the dumping position.

(2) Except in shaft sinking, such device shall be so installed ^{Idem} that, when it is put into operation, a distinctive signal will be given, automatically, to men about to enter the conveyance.

(3) Such device is not required on electric hoists where ^{Idem} men are hoisted for shaft inspection or maintenance operations only.

(4) Such device shall be put into operation, either manually ^{Idem} or automatically, when men are transported.

(5) In those cases where the device is automatically put ^{Idem} into operation by the hoistman's return of the 3-bell signal, the circuit shall be so arranged that the failure of the relay coils will not render the device inoperative. R.S.O. 1960, c. 241, s. 581, *amended*.

565. Each electric hoist shall have installed a device ^{Approach warning signal} whereby the hoistman is warned, audibly, that a conveyance or counterbalance is about to enter the region where a reduction in speed is necessary for safe manual braking. R.S.O. 1960, c. 241, s. 582 (1), *amended*.

566. Sections 567 to 575 apply to all electric hoists that may ^{Automatic hoists} be operated automatically. *New*.

567.—(1) Every electric hoist shall have installed, only in ^{Selection of manual or automatic control} the same location as the manual controls, a device for the change-over from manual to automatic control.

(2) Such device shall be operated by authorized personnel ^{Idem} only. *New*.

Level or
cage control

568. Where an electric hoist is designed to be operated from control stations on the levels or from a control station on the conveyance, any device used to effect the changeover of control shall be operable only at the level at which a conveyance is stopped. *New.*

Operation
of level-
installed
controls

569.—(1) Devices installed on the levels for the purpose of selecting the conveyance destination and for initiating hoist motion shall be operable only when the conveyance is stopped at that level, except where the installation has been approved for call operation.

Idem

(2) There shall be a minimum delay of five seconds between the operation of the level control device used to initiate hoist motion and the actual motion when men are being handled.

Idem

(3) The level control device used to initiate hoist motion shall be so located that it may be operated by someone in the conveyance stopped at that level.

Idem

(4) Devices installed on the levels for the purpose of initiating hoist motion shall, except for jogging, be operable only when the shaft gate at the level at which the conveyance is stopped is in the closed position. *New.*

Operation
of cage-
installed
control

570.—(1) Devices installed in a conveyance for the purpose of controlling hoist motion shall, except for jogging, be operable only when the cage door is in the closed position.

Idem

(2) Where devices are installed in a conveyance for the purpose of controlling hoist motion, one of the devices shall be capable of initiating emergency braking action to bring the conveyance safely to rest. *New.*

Friction
hoists

571. Sections 572 to 575 apply to all electric friction hoists. *New.*

Jammed
conveyance
device

572. Each electric friction hoist shall have installed a device that will initiate emergency braking action to bring the drum to rest in the event of the occurrence of slip between the hoisting rope or ropes and the hoist drum, such as might occur with a conveyance or counterbalance jammed in the shaft or caught at the end of travel. *New.*

Synchro-
nizing
device

573. Where creep or slip may alter the effective position of safety devices, a means of synchronizing the safety devices with the position of the conveyance in the shaft shall be provided. *New.*

574. If the electrical engineer deems it necessary, he may, ^{Special testing} after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all electric over-wind and underwind devices, signalling and warning devices and hoisting controls and equipment. R.S.O. 1960, c. 241, s. 583.

575.—(1) The owner or manager of a mine where an electric hoist is in use shall depute some competent person or persons whose duty it is to examine at least once in each week the hoist motor and control apparatus, electric safety devices and hoisting signalling equipment. ^{Electrical Hoisting Equipment Record Book}

(2) The report of such examination shall be recorded as ^{Idem} provided in subsection 3.

(3) The owner or manager shall keep or cause to be kept ^{Idem} at the mine for each hoist a book called the Electrical Hoisting Equipment Record Book in which shall be recorded a report of every such examination and a notation of any failure or accident to such equipment and the action taken regarding it, signed by the person making the examination.

(4) Such entries of the weekly examination shall be read ^{Idem} and signed every week by the person in charge of such equipment or accessories thereto.

(5) A notation of the action taken regarding the report ^{Idem} of any failure or accident to any part of the electrical equipment used in connection with the hoist or the signalling equipment shall be made over the signature of the person in charge of such equipment or accessories thereto.

(6) The Electrical Hoisting Equipment Record Book shall ^{Idem} be made available to the engineer at all times. R.S.O. 1960, c. 241, s. 584.

UNDERGROUND INSTALLATIONS

576. The provisions of this Part that apply to surface ^{General} installations apply equally to underground installations, except sections 577 to 594, which apply only to underground installations. R.S.O. 1960, c. 241, s. 585.

577.—(1) Where electrical energy is taken underground, ^{Control of underground feeders} provision shall be made so that the current may be cut off on the surface. R.S.O. 1960, c. 241, s. 588 (1).

(2) The control device shall be accessible to authorized ^{Idem} persons only. R.S.O. 1960, c. 241, s. 588 (2), *amended*.

Wiring
methods

578.—(1) Conductors for all circuits not over 150 volts to ground shall either be installed in standard conduits, armoured or have non-flammable jackets and be adequately supported. R.S.O. 1960, c. 241, s. 592 (1), *amended*.

Idem

(2) All fixed conductors transmitting power underground at over 150 volts to ground shall be armoured or enclosed in standard conduit and substantially supported. R.S.O. 1960, c. 241, s. 592 (2).

Idem

(3) Open-type wiring shall not be used except in cases of extreme emergency. R.S.O. 1960, c. 241, s. 592 (3), *amended*.

Cable test
required

579. All new cables purchased for the transmission of power underground at a potential in excess of 750 volts shall be accompanied by the manufacturer's certified report of insulation tests, a copy of which shall be filed with the chief engineer. R.S.O. 1960, c. 241, s. 595.

Cable
rating

580.—(1) All cables transmitting power underground at a potential exceeding 750 volts shall have a voltage rating of 50 per cent higher than the normal operating voltage. R.S.O. 1960, c. 241, s. 596 (1).

Idem

(2) Cable of standard rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit where the neutral point is grounded in such a manner as to,

(a) limit fault current; and

(b) limit the possible rise of fault potential on any connected equipment to a maximum of 100 volts,

and where ground fault protection is provided. R.S.O. 1960, c. 241, s. 596 (2), *amended*.

Bonding
requirements

581. The armouring or casings of all cables shall be bonded together so as to be electrically continuous and shall be connected at some point or points to a satisfactory ground on surface. R.S.O. 1960, c. 241, s. 593.

Adequate
grounding
for
equipment

582. Where the armouring or casings of cables do not provide an adequate grounding system for underground electrical equipment, a copper or other non-corrosive grounding conductor of adequate size shall be run from such equipment to a satisfactory ground on surface. R.S.O. 1960, c. 241, s. 594.

583. Suitable terminating facilities shall be provided to protect cables from harm due to moisture or mechanical damage. R.S.O. 1960, c. 241, s. 597, *amended*. Terminating facilities

584. Junction boxes on a cable transmitting power at a potential exceeding 300 volts shall not be located in a shaft or winze or attached to any timbers at a shaft or winze station or headframe. R.S.O. 1960, c. 241, s. 600. Location of junction boxes

585. Splices shall not be made in shaft or winze conductors unless approved by the electrical engineer. R.S.O. 1960, c. 241, s. 601, *amended*. Approval of splices

586. Adequate precautions shall be taken to prevent signal and telephone cables coming into contact with other electric systems. R.S.O. 1960, c. 241, s. 598, *amended*. Protection of signal and telephone cables

587. The operating voltage on signal systems shall not exceed 150 volts to ground. R.S.O. 1960, c. 241, s. 589. Maximum voltage of signal system

588.—(1) One conductor of the two-wire signal circuit shall be grounded where the power supply is obtained from a transformer having a primary voltage in excess of 750 volts. Grounding of signal system

(2) The signal system may be operated with both conductors ungrounded when the supply is from a transformer having a primary voltage in excess of 750 volts, if an insulating transformer having a 1-to-1 ratio is installed between the supply and the signal system. R.S.O. 1960, c. 241, s. 590. Idem

589. Where an electrical hoisting-signal system is installed at a shaft or winze, there shall be a suitable, separate, audible signal system for the control of each hoisting conveyance operated from a single hoist and there shall be a sufficient difference in the sounds of the signals to the hoistman that they are easily distinguishable and it shall be so arranged that the hoistman can return the signal to the person giving the signal. R.S.O. 1960, c. 241, s. 591. Separate signal for each conveyance

590. The type and location of transformers installed underground are subject to the approval of the electrical engineer. R.S.O. 1960, c. 241, s. 602. Transformers, type and location

591.—(1) All transformers over 2 kva, unless insulated with non-flammable dielectric liquids or Class B or Class C insulation, when installed underground, shall be effectively isolated from the mine workings by enclosure in rooms constructed of fire-resisting materials throughout and a door sill of not less than six inches in height shall be provided. Transformers and transformer rooms

Idem (2) No material or equipment of any kind, including air lines, air ducts, water and steam lines, shall pass through or terminate within the room, other than that essential to the transformer installation for its proper operation and safety.

Idem (3) The covers of the ventilation openings shall be held open by thermal fuse links and shall close by gravity, and the door shall be constructed of steel or other suitable material.

Idem (4) No transformer station shall be located within 200 feet of an explosives or blasting agents storage. R.S.O. 1960, c. 241, s. 603.

Fire prevention underground 592.—(1) The supports for electric motors, transformers, control and protective equipment and other electric apparatus and the compartments in which they are installed shall be of such material and constructed in such a manner as to reduce the fire hazard to a minimum. R.S.O. 1960, c. 241, s. 586 (1), *amended*.

Idem (2) No flammable material shall be stored or placed in the same compartment with any such equipment or apparatus. R.S.O. 1960, c. 241, s. 586 (2).

Electric heaters 593. Where lamps or heating units are used underground, they shall be so installed and protected as to prevent the heat generated from becoming a fire hazard. R.S.O. 1960, c. 241, s. 604, *amended*.

Fire-extinguishing devices 594.—(1) Approved fire-extinguishing devices for use on electrical fires shall be provided and maintained in condition for immediate use.

Idem (2) They shall be conveniently mounted at or in every place containing electrical apparatus having flammable insulation or parts that, once ignited, may support combustion. R.S.O. 1960, c. 241, s. 587.

GENERAL

Wilful damage to property 595. No person shall wilfully damage or, without proper authority, remove or render useless any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam gauge, water gauge, safety valve, electrical equipment, fire-fighting equipment, first-aid equipment or other appliance or thing provided in a mine in compliance with this Act. R.S.O. 1960, c. 241, s. 605.

Persons under the influence of or carrying liquor 596. No person under the influence of or carrying intoxicating liquor shall enter a mine or be in the proximity of a working place on the surface or near machinery in motion. R.S.O. 1960, c. 241, s. 606.

597. Abstracts of the provisions of this Act, authorized by the chief engineer, shall be posted up in suitable places at the mine or works where they can be conveniently read, and the owner or agent of the mine shall maintain such abstracts duly posted, and the removal or destruction of any of them is an offence against this Act. R.S.O. 1960, c. 241, s. 607.

598. The Minister may prescribe the charge to be made for any record or log book required under this Part. R.S.O. 1960, c. 241, s. 608.

TESTING LABORATORIES

599. The Minister may, out of the moneys that are appropriated for the purpose, establish, maintain and operate one or more laboratories for the purpose of testing or examining hoisting ropes or other appliances used in or about a mine and, by regulations made by the Lieutenant Governor in Council, may provide for,

- (a) the management and operation of such laboratory or laboratories;
- (b) the charges to be paid for services performed in such laboratory or laboratories;
- (c) such other purposes as the Lieutenant Governor in Council deems proper. R.S.O. 1960, c. 241, s. 609.

PARTY WALLS

600.—(1) Subject to section 197 and except by agreement under subsection 3, no mining operations shall be carried on within a distance from the property boundary of a mine or mining property of twice the width or thickness of the orebody at the boundary, measured parallel to the boundary from foot wall to hanging wall and normal to the dip, and in no event shall mining operations be carried on within a distance of twenty feet from the boundary measured from the perpendicular to the boundary,

- (a) except that, for the purposes of preliminary investigation, development headings may be advanced to twenty feet from the boundary; and
- (b) except that exploratory diamond drilling may be done.

(2) Subsection 1 does not apply to operations at sand, gravel or clay pits or open-cast rock quarries.

Agreement
by adjoining
owners

(3) Adjoining owners may, by agreement in writing signed by them, carry on mining operations within the distances from the property boundary mentioned in subsection 1.

Certified
copies to
Minister

(4) Two certified copies of every such agreement shall be sent to the Minister and shall take effect upon written acknowledgement of receipt of the agreement by the Minister. R.S.O. 1960, c. 241, s. 610.

Disagree-
ment on
boundary
operations

601.—(1) Where adjoining owners are unable to agree to carry on mining operations within the distances from the property boundary mentioned in subsection 1, application may be made to the Minister by either owner requesting the appointment of a committee to investigate in what manner and within what distances from the boundary mining operations may be carried on.

Appoint-
ment of
committee

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are competent to investigate mining conditions at the boundary.

Duty of
committee

(3) The committee so appointed shall hear representations from the adjoining owners and conduct such investigation of mining conditions on the adjoining mining properties as may be necessary at a time or times named by the Minister.

Report of
committee

(4) Upon completion of their investigation, the committee shall forthwith submit a report in writing to the Minister with recommendations concerning terms and conditions of mining operations at the boundary.

Order of
Minister

(5) Upon receipt of the report of the committee, the Minister may issue an order establishing the terms and conditions to be observed in mining operations at the boundary and shall fix the costs of the committee to the adjoining owners. R.S.O. 1960, c. 241, s. 611.

Suspected
breach or
trespass of
party wall

602.—(1) Where the owner of a mine or mining property has reason to believe that a breach has been made in or a trespass has been committed with respect to the party wall between his mine or mining property and an adjoining mine or mining property, application may be made to the Minister by the owner for the appointment of a committee to examine the party wall and enter the adjoining mines or mining properties with an assistant or assistants and use where necessary the workings and appliances thereof.

Appoint-
ment of
committee

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are

competent to conduct such examination of the party wall as may be necessary.

(3) The committee so appointed shall conduct such examination of the party wall as may be necessary at a time or times named by the Minister. ^{Duty of committee}

(4) Upon completion of the examination, the committee shall forthwith submit a report of its findings in writing to the Minister. ^{Report of committee}

(5) Upon receipt of the report of the committee, the Minister shall fix the costs of the committee to one or both owners. ^{Costs}

(6) Where a breach has been made in a party wall of a mine by the owner of an adjoining mine, or by his employees or agents, without the permission in writing of the owner of the first-mentioned mine or without authority under this Act, the Minister may make an order directing the offending owner to close the breach permanently or to carry out such measures as the Minister deems necessary to prevent water from flowing into the mine of the owner complaining of the breach. ^{Breach of party wall}

(7) Where work has been discontinued in the mine of the offending owner or where expedient for any other reason, the Minister may authorize the owner complaining of the breach, his employees or agents, to enter the mine and works of the offending owner to erect bulkheads and carry out such measures as the Minister deems necessary to protect from damage the mine of the owner complaining of the breach and his employees and agents from danger from accumulations of water in the mine of the offending owner. R.S.O. 1960, c. 241, s. 612. ^{Minister may authorize entry}

603. For good cause shown and upon such terms as seem just, the Minister may vary or rescind an order made under section 601 or 602. R.S.O. 1960, c. 241, s. 613. ^{Minister may vary or rescind order}

BRINE WELLS

604.—(1) In this section,

^{Interpretation}

(a) "brine well" means a hole or opening in the ground for use in brining;

(b) "brining" means the extraction of salt in solution by any method.

Permit to
bore or
drill a
brine well

(2) No person shall drill or bore a brine well except under the authority of a permit in writing issued by the Minister upon application therefor in the prescribed form.

Permits
not issued

(3) A permit shall not be issued,

(a) to authorize a person to drill or bore a brine well on property in which he does not own, hold or lease, or is not otherwise entitled to, the mining rights; or

(b) where the proposed brine well is nearer the boundary of such property than 500 feet.

Location of
brine well

(4) The chief engineer may reduce or extend the distance referred to in clause *b* of subsection 3 where in his opinion it is advisable to do so and shall notify the applicant of any such reduction or extension within thirty days from the date upon which the application for the permit is filed.

Condition
of permit

(5) A permit is subject to the condition that the brine well in respect of which it is issued is bored or drilled in the location described in the permit.

Time for
issuance
of permit

(6) A permit shall be issued or refused within thirty days from the date on which the application therefor is filed, except that, where notice has been given by the chief engineer under subsection 4, the permit shall be issued upon the receipt by the Minister of the applicant's consent thereto.

Log of
drilling
operations

(7) Where a person drills or bores a brine well, he shall forward a log of the drilling or boring in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the drilling or boring operations, and, upon his request in writing, the log shall be confidential for a period of six months.

Protection
of water
horizons

(8) A person boring or drilling a brine well shall take such reasonable measures as are necessary to control the infiltration of water from one horizon to any other horizon that may be penetrated during the drilling or boring operations.

Protection
of deposits

(9) All brine wells shall be cased and equipped so as to reasonably ensure against the uncontrolled flow of oil, natural gas, brine or water.

Standard
of casing
and equip-
ment

(10) Casing and equipment shall be in good condition and of a thickness and strength adequate to withstand any fluid pressure to which they might normally be subjected.

(11) Where practicable, all brine wells shall be plugged by the person operating them, before being abandoned, in a manner that will, ^{Plugging of abandoned wells}

(a) reasonably ensure that salt horizons and potential oil or natural gas producing horizons are protected; and

(b) retain water and brine in their original formations.

(12) Before commencing to plug a brine well, the person proposing to carry out the plugging operations shall report the particulars thereof to the chief engineer in the prescribed form. ^{Report of proposed plugging}

(13) Where a person plugs a brine well, he shall forward a record of the plugging in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the plugging operations. ^{Record of plugging operations} R.S.O. 1960, c. 241, s. 614.

NOTICE OF NON-FATAL ACCIDENTS

605. Where, in or about a mine, metallurgical works, quarry, or a sand, clay or gravel pit, an accident occurs that causes fracture or dislocation of any bones of the body, or any other injury that in the opinion of the attending physician may result in the injured person being incapacitated for work for at least five days, to a person employed therein, the owner, agent, manager or superintendent shall within three days of the accident send notice in writing to the engineer resident in that part of Ontario in which the mine, works, quarry or pit is situate on the form prescribed for such purpose. ^{Notice of accident} R.S.O. 1960, c. 241, s. 615.

NOTICE OF SPECIAL OCCURRENCES

606.—(1) Where in or about a mine,

Idem

(a) an accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyance, or shaft or winze timbering;

(b) an explosion or fire involving an air compressor, air receiver or compressed air line;

(c) an inrush of water from old workings or otherwise;

(d) a failure of an underground dam or bulkhead, as defined by subsection 1 of section 202;

- (e) an outbreak of fire below ground or an outbreak of fire above ground if it endangers any structure of the mine plant;
- (f) a premature or unexpected explosion or ignition of explosives or blasting agents;
- (g) an asphyxiation effecting a partial or total loss of physical control;
- (h) a flammable gas in the mine workings; or
- (i) an unexpected and non-controlled extensive subsidence or caving of mine workings,

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the occurrence, send notice in writing in duplicate to the district engineer resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereof as the engineer requires.

Notice of
occurrence
of fire and
need of
rescue
equipment

(2) Where in or about a mine an outbreak of fire occurs that endangers the health or safety of one or more persons and the services of the mine rescue stations are required, the owner, agent, manager or superintendent shall immediately notify the rescue station superintendent and the district engineer resident in that part of Ontario in which the mine is situate.

Rockburst

(3) Where a rockburst occurs, whether or not loss of life or personal injury is caused thereby, and its location is determined as being within the workings of a mine, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the location of the burst has been determined, send notice in writing to the district engineer resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars with respect thereto as the engineer requires.

Record of
rockbursts

(4) A record of the occurrence of all rockbursts at a mine shall be kept, showing, as far as possible, the time, location, extent of the burst, any injury to persons and any other information pertaining to the burst, and such record shall be available to the engineer at all times. R.S.O. 1960, c. 241, s. 616.

OTHER NOTICES AND INFORMATION

607.—(1) The owner or agent shall give or cause the manager or superintendent of a mine to give written notice to the chief engineer and to the district engineer resident in that part of Ontario in which the mine is situate,

Written
notice by
owner or
agent

- (a) of the intended installation of a mine hoisting plant, power plant or treatment plant under the jurisdiction of the Department and the name and address of the person in charge of the operation at least fourteen days prior to the commencement of work on such installation, and the notice shall also give the lot, concession and township or claim numbers on which operations are to commence and the specifications and layout of the plant;
- (b) of the connection or reconnection of any mining electrical equipment with a source of electrical energy controlled by any other person at least fourteen days prior to the connection or reconnection;
- (c) of the commencement or resumption, after an interruption of one month or more, of mining operations within fourteen days after the commencement or resumption; and
- (d) of the closing down of the mine and that,
 - (i) the requirements of subsection 1 of section 168 as to the fencing of the top of the shaft, entrances from the surface, pits and openings,
 - (ii) the requirements of section 225 as to the disposal of explosives and blasting agents,
 - (iii) the requirements of section 374 as to the abandonment of a shaft compartment for hoisting purposes and as to the removal and disposition of hoisting ropes,
 - (iv) the requirements of section 456 as to the disconnection of the supply station from the power source and notification of same to the chief engineer, and
 - (v) the requirements of subsections 7 and 8 of section 609 as to the filing of plans and sections,

have been complied with within fourteen days of the closing down.

Information
for engineer

(2) The owner, manager or superintendent of a mine shall furnish to the engineer resident in that part of Ontario in which the mine is situate all information that the engineer requires for the purposes of his returns. R.S.O. 1960, c. 241, s. 617.

STATISTICAL RETURNS

Statistical
returns

608.—(1) For the purpose of their tabulation under the instructions of the Minister, the owner or agent of every mine, quarry or other works to which this Act applies shall, on or before the 31st day of March in every year, send to the Department on the forms supplied a correct return for the year that ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below and above ground respectively, the total amount of wages paid during the year, the quantity in standard weight of the minerals dressed and of the undressed mineral that has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Minister by regulation prescribes.

Monthly or
quarterly
returns

(2) The owner or agent of every metalliferous mine shall, if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year.

Offence

(3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes a return that is to his knowledge false in any particular, is guilty of an offence against this Act. R.S.O. 1960, c. 241, s. 618.

MINE PLANS

Plans to
be kept

609.—(1) At every mine, the owner or manager shall cause the following plans on a scale acceptable to the chief engineer to be kept up to a date not more than six months last past:

1. A surface plan showing the boundaries of the property, all lakes, streams, roads, railways, electric power transmission lines, main pipe lines, buildings, shaft openings, adits, open surface workings, diamond-drill holes, outcroppings of rock, and dumps and tailing-disposal sites.
2. Underground plans of each level and section showing all underground workings, including shafts and tunnels, diamond-drill holes, dams and bulkheads, and each level plan shall be shown on a separate drawing.

3. Vertical mine sections at suitable intervals and at suitable azimuths, showing all shafts, tunnels, drifts, stopes and other mine workings in relation to the surface, including the location of the top of the bed-rock, surface of the overburden and the bottom and surface of any known watercourse or body of water, and each section shall be shown on a separate drawing.
4. Adequate ventilation plans, showing the direction and volume of the main air currents, the location of permanent fans, ventilation doors and stoppings, and connections with adjacent mines.

(2) The owner or manager of every mine in which electricity ^{Idem} is used underground shall keep or cause to be kept up to a date not more than six months last past an adequate plan or diagram showing on a suitable scale the following information:

1. The position of all fixed electrical apparatus in the mine.
2. The routes of all fixed power feeders and fixed branch feeders properly noted and referenced.
3. The rating of all electrical feeder control apparatus and equipment.

(3) Such plans or diagrams shall be available to the engineer ^{Idem} at all times and copies of the plans or diagrams shall be furnished him upon request.

(4) On any examination or inspection of a mine, the owner, manager or superintendent shall, if required, produce to the engineer or other person authorized by the Minister or the Deputy Minister all plans and sections of the workings referred to in subsections 1, 2 and 3. ^{Marking subsequent progress on plan}

(5) The owner, manager or superintendent shall, if required ^{Idem} by the engineer or other person authorized by the Minister or Deputy Minister, cause to be marked on such plans and sections the progress of the mine up to the time of the examination or inspection, and shall furnish him with a copy or tracing thereof.

(6) Certified copies of the plans required by paragraph 2 of subsection 1 and mine sections showing all shafts as required by paragraph 3 of subsection 1 shall be made and filed in the Department on or before the 31st day of March in each year, showing the workings of the mine up to and including the 31st day of December next preceding. ^{Plan of working mines to be filed}

Plans to
be filed
before
abandon-
ment

(7) Before a mine or a part of a mine is abandoned, closed down or otherwise rendered inaccessible, all underground plans and sections referred to in paragraphs 2 and 3 of subsection 1 shall be brought up to date and a certified copy filed in the Department.

Idem

(8) Before work at a mine ceases, the surface plan referred to in paragraph 1 of subsection 1 showing all openings to underground workings shall be brought up to date and a certified copy filed in the Department.

Responsi-
bility of
owner

(9) The owner of every mine, quarry or other works to which this section applies is responsible for compliance with the provisions thereof, and every owner or other person who fails to comply with any of the provisions of this section, or who produces to an engineer or other authorized person, or files or causes to be produced or filed, a plan that to his knowledge is false in any particular is guilty of an offence against this Act.

Plans to be
treated as
confidential

(10) Every such plan shall be treated as confidential information for the use of the officers of the Department and shall not be exhibited, nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine. R.S.O. 1960, c. 241, s. 619.

POWERS AND DUTIES OF ENGINEERS

Powers of
engineer

610.—(1) It is the duty of the engineer and he has power,

- (a) to make such examination and inquiry as he deems necessary to ascertain whether this Act is complied with, and to give notice to the owner or agent in writing of any particulars in which he considers the mine or any part thereof, or any matter, thing or practice, to be dangerous or defective or contrary to this Act, and to require the same to be remedied within the time named in the notice;
- (b) to enter, inspect and examine any mine or any part thereof at any reasonable time by day or night, but so as not to unnecessarily impede or obstruct the working of the mine;
- (c) to order the immediate cessation of work in and the departure of all persons from any mine or part thereof that he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary; and

- (d) to exercise such other powers as he deems necessary for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, and metallurgical and mining works.

(2) It is the duty of the engineer to make a report of every ^{Reports of engineer} examination and inquiry made in the course of his duty during the year to the Minister, the Deputy Minister or the chief engineer, as required by the circumstances, immediately upon the completion of the examination or inquiry. R.S.O. 1960, c. 241, s. 620.

611.—(1) The Minister may direct an engineer to make ^{Special report} a special report with respect to any accident in or about a mine that has caused the loss of life or injury to any person, or with respect to any condition in or about a mine.

(2) In conducting the inquiry, the engineer has power to ^{Engineer may take evidence} compel the attendance of witnesses and the production of books, documents and things, and to take evidence upon oath. R.S.O. 1960, c. 241, s. 621.

612.—(1) Non-compliance with a written order of the ^{Offence} engineer issued in accordance with section 610 shall be deemed an offence against this Part.

(2) Failure to give written notice of the completion of any ^{Idem} work in accordance with a written order of the engineer issued under section 610 shall be deemed an offence against this Part. R.S.O. 1960, c. 241, s. 622.

PART X

REFINERY PROVISIONS

613. In this Part, "refinery" means apparatus or equip- ^{Interpre-}ment that may be used for the refining, retorting, smelting, tation assaying or treating by any other method of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein. R.S.O. 1960, c. 241, s. 623.

614. No person shall own, operate, use or have a refinery ^{Refinery licence} in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant unless a refinery licence has been granted in respect of such refinery, except that no refinery licence shall be required in respect of a refinery for which a certificate of exemption has been issued. R.S.O. 1960, c. 241, s. 624.

Powers of
Minister as
to refinery
licences

615.—(1) The Minister may,

- (a) issue and renew refinery licences and certificates of exemption;
- (b) refuse to issue or renew a refinery licence or certificate of exemption, or suspend, cancel or revoke a refinery licence or certificate of exemption for any reason that he deems sufficient in the public interest;
- (c) prescribe the forms of refinery licences, certificates of exemption, applications therefor and renewals thereof; and
- (d) prescribe the fee payable upon the issue and renewal of refinery licences and certificates of exemption.

Term of
licence and
certificate
of exemption

(2) Every refinery licence and certificate of exemption expires on the 31st day of March next following the issue thereof and every renewal of a refinery licence or certificate of exemption expires on the 31st day of March next following the expiration of the refinery licence or certificate of exemption or the last renewal thereof. R.S.O. 1960, c. 241, s. 625.

Certificate
of exemption

616.—(1) A certificate of exemption may be issued in respect of a refinery where the Minister is satisfied that the refinery is not maintained or used for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein or is used only for educational purposes.

Use of
refinery

(2) No person who owns or has in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant a refinery in respect of which a certificate of exemption has been issued shall permit the refinery to be operated or used nor shall he or any other person operate or use the refinery for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein. R.S.O. 1960, c. 241, s. 626.

Offence

617. Every person who contravenes any of the provisions of this Part is guilty of an offence and is liable to a fine of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than one year, or to both fine and imprisonment. R.S.O. 1960, c. 241, s. 627.

Application
of Part

618. This Part applies notwithstanding that the owner or operator of a refinery is the holder of a licence issued under any Act. R.S.O. 1960, c. 241, s. 628.

619. The Minister may appoint any person to conduct an inquiry into any charge or complaint that a person has contravened any of the provisions of this Part, or into any matter or thing connected with or arising out of the operation of this Part, and such person has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1960, c. 241, s. 629.

Commission
of inquiry

PART XI

OFFENCES, PENALTIES AND PROSECUTIONS

620.—(1) Every person who,

Offences

- (a) prospects, occupies or works any Crown lands or mining rights for minerals otherwise than in accordance with this Act;
- (b) performs or causes to be performed on any Crown lands, or on any lands where the mining rights are in the Crown, any boring by diamond or other core drill for the purpose of locating valuable mineral in place, except where such Crown lands or mining rights have been staked out and recorded as a mining claim in accordance with this Act;
- (c) wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line, figure, writing or other mark lawfully placed, standing or made under this Act;
- (d) wilfully pulls down, injures or defaces any rules or notices posted up by the owner or agent of a mine;
- (e) wilfully obstructs the Commissioner or any officer appointed under this Act in the execution of his duty;
- (f) being the owner or agent of a mine, refuses or neglects to furnish to the Commissioner or to any person appointed by him or to any officer appointed under this Act the means necessary for making an entry, inspection, examination or inquiry in relation to a mine under this Act, other than Part IX;
- (g) unlawfully marks or stakes out in whole or in part a mining claim, a placer mining claim, or an area for a boring permit;

- (h) wilfully acts in contravention of this Act, other than Part IX or Part X, in any particular not hereinbefore set forth;
- (i) wilfully contravenes any provision of this Act or any regulation for the contravention of which no other penalty is provided;
- (j) wilfully makes any material change in the wording or numbering of a miner's licence after its issue; or
- (k) attempts to do any of the acts mentioned in the foregoing clauses,

is guilty of an offence against this Act and is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues.

**False
statements**

(2) Every person who knowingly makes a false statement in an application, certificate, report, statement or other document filed or made as required by or under this Act or the regulations is guilty of an offence and is liable to a fine of \$500 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1960, c. 241, s. 630.

Smelters

621.—(1) No person shall construct or cause to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals that may result in the escape or release into the open air of sulphur, arsenic or other fumes in quantities that may injure trees or other vegetation unless and until the site of the plant has been approved by the Lieutenant Governor in Council.

Offence

(2) Every person who constructs or causes to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals, without the approval of the Lieutenant Governor in Council, and sulphur, arsenic or other fumes escape or are released therefrom into the open air and injure trees or other vegetation is guilty of an offence and is liable to a fine of not more than \$1,000 for every day upon which such fumes escape or are released therefrom into the open air. R.S.O. 1960, c. 241, s. 631.

**Disobeying
order of
award of
Commis-
sioner**

622. Every person who wilfully neglects or refuses to obey any order or award of the Commissioner, except for the payment of money, is, in addition to any other liability, liable to a fine of not more than \$250 and, upon conviction thereof, is liable to imprisonment for a term of not more than six months unless the fine and costs are sooner paid. R.S.O. 1960, c. 241, s. 632.

623.—(1) No person who,

Use of word
"Bureau"
prohibited

- (a) carries on the business of mining or dealing in mines, mining claims, mining lands, or mining rights, or the shares, stocks, or bonds of a mining company; or
- (b) acts as broker or agent in or for the disposal of mines, mining claims, mining lands, or mining rights, or of any such shares, stocks or bonds; or
- (c) offers or undertakes to examine or report on a mine, mining claim, mining land or mining rights,

shall use the word "Bureau" as the name or title or part of the name or title under which he acts or carries on business.

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues. R.S.O. 1960, c. 241, s. 633.

624.—(1) An owner, agent or other person who contravenes any provision of Part IX is guilty of an offence and is liable to a fine of not more than \$1,000.

Penalty
for offence
against
Part IX

(2) Where the Deputy Minister or an engineer has given written notice to an owner or agent or a person engaged or employed in or about a mine that an offence has been committed against Part IX, such owner or agent or other person is liable to a further fine of not more than \$100 for every day upon which the offence continues after such notice.

Additional
penalty for
continuing
offence

(3) An owner, agent or other person is, upon conviction, liable to imprisonment for a term of not more than three months unless the fine and costs are sooner paid.

Imprison-
ment

(4) Where the offence is one that might have endangered the safety of those employed in or about the mine or caused serious personal injury or a dangerous accident, and was committed wilfully by the personal act, default or negligence of the accused, every person who is guilty of an offence against Part IX is, in addition to or in substitution for any fine that may be imposed, liable to imprisonment with or without hard labour for a term of not more than three months. R.S.O. 1960, c. 241, s. 634.

Imprison-
ment of
offender
against
Part IX
in certain
cases

625.—(1) No prosecution shall be instituted for an offence against Part IX or Part X or any regulation made in pursuance thereof except,

Instituting
prosecutions
for offences

- (a) by an engineer;

(b) by direction of the county or district Crown attorney;
or

(c) by the leave in writing of the Attorney General,

or for an offence against any other provision of this Act or of any regulation made in pursuance thereof except,

(d) by or by leave of the Commissioner or a recorder;

(e) by direction of the county or district Crown attorney;
or

(f) by leave of the Attorney General.

When person
not actual
offender not
liable

(2) No person not being the actual offender is liable in respect of such offence, if he proves that he did not participate in the contravention of the provision for a breach of which he is charged and that he was not to blame for the breach and that according to his position and authority he took all reasonable means in his power to prevent the breach and to secure compliance with the provisions of Part IX or Part X.

Onus of
proof

(3) The burden of proving that the provisions of sections 173 to 594 have been suspended is upon the person charged with a contravention thereof and any such suspension may be proved by the evidence or certificate of an engineer. R.S.O. 1960, c. 241, s. 635.

Procedure on
prosecutions

626. Except as to offences against section 14, every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a magistrate or two justices of the peace having jurisdiction in the county or district in which the offence was committed or before the Commissioner, and, save as herein otherwise provided, *The Summary Convictions Act* applies to every such prosecution. R.S.O. 1960, c. 241, s. 636.

R.S.O. 1960,
c. 387

R.S.O. 1960,
c. 241, s. 654,
subs. 7,
amended

2. Subsection 7 of section 654 of *The Mining Act* is amended by striking out "use" in the third line and inserting in lieu thereof "user", so that the subsection shall read as follows:

Patent or
lease to
protect
public travel

(7) The patent or lease of such mines, minerals and mining rights shall contain a proviso protecting the road for public travel and preventing any user of the granted rights that would interfere with public travel unless a road in lieu thereof has been provided and accepted by the municipal corporation having control of the road.

Short title

3. This Act may be cited as *The Mining Amendment Act, 1961-62*,

An Act to amend The Mining Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

MR. WARDROPE

*(Reprinted as amended by the
Committee on Mining)*

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Mining Act

MR. WARDROPE

BILL 57

1961-62

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Parts IX, X and XI of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 241,
Pts. IX,
X, XI
(ss. 161-626),
re-enacted;
(ss. 627-636),
repealed

PART IX

OPERATION OF MINES

161.—(1) In this Part,

Interpre-
tation

- (a) "authorized" means properly authorized to perform any specified duty or to do any specified act;
- (b) "engineer" means a member of the Association of Professional Engineers of the Province of Ontario who is designated by the Department as the "chief" or as a "district", "electrical" or "mechanical" engineer of mines for Ontario;
- (c) "manager" means the person responsible for the control, management and direction of a mine or a part of a mine or works;
- (d) "qualified" means properly qualified to perform any specified duty or to do any specified act;
- (e) "rescue station superintendent" means a person in charge of a mine rescue station.

(2) Subject to the requirements of this Act and except as otherwise provided in this Act, responsibility for the authorization and decisions as to the qualifications of employees rests with the employer or his agent. R.S.O. 1960, c. 241, s. 161.

EMPLOYMENT IN AND ABOUT MINES

Employ-
ment,
of children

162.—(1) No male person under the age of sixteen years shall be employed in or about a mine, and no male person under the age of eighteen years shall be employed underground in a mine or at the working face of an open-cut workings, pit or quarry.

of females

(2) No female person shall be employed at a mine except on surface in a technical, clerical or domestic capacity or such other capacity that requires the exercise of normal feminine skill or dexterity but does not involve strenuous physical effort. R.S.O. 1960, c. 241, s. 162.

MINE RESCUE STATIONS

Establish-
ment

163.—(1) Mine rescue stations shall be established, equipped, operated and maintained at such places and in such manner as the Minister directs.

Mine rescue
officers

(2) The Lieutenant Governor in Council may appoint such mine rescue officers as he deems advisable.

Duty of
mine rescue
officers

(3) The equipment and operation of mine rescue stations shall be in the charge of mine rescue officers, and it is the duty of such officers to teach and train mine rescue crews and supervisors in the use and maintenance of the apparatus in such manner as the chief engineer directs, to maintain the apparatus in efficient and workable condition so as to be available for immediate use, and to perform such other duties as the chief engineer deems necessary.

Training of
rescue crews

(4) The owner, agent or manager of a mine shall cause such workmen and supervisors to be trained in the use and maintenance of mine rescue equipment as the district engineer deems necessary.

Responsi-
bility in
mine rescue
operations

(5) The mine manager is responsible for the supervision and direction of mine rescue crews in all mine rescue and recovery operations conducted at the mine.

Cost

(6) The cost of establishing, maintaining and operating mine rescue stations shall be paid out of the Consolidated Revenue Fund.

Idem

(7) The Workmen's Compensation Board shall at the end of each quarter year reimburse the Consolidated Revenue Fund from moneys assessed and levied by the Board against employers in the mining industry for the total amount certified by the Deputy Minister to have been paid out under subsection 6.

(8) All moneys received from the sale or disposal of any equipment, buildings or machinery forming part of or appertaining to mine rescue stations shall be paid to the Workmen's Compensation Board and shall be placed to the credit of the class funds of the employers in the mining industry. R.S.O. 1960, c. 241, s. 163. Disposal of equipment, etc.

HOURS OF LABOUR UNDERGROUND

164.—(1) In this section,

Interpretation

- (a) "shift" means a body of workmen whose hours for beginning and terminating work in the mine are the same or approximately the same;
- (b) "workman" means a person employed underground in a mine who is not the owner or agent or an official of the mine,

and, where any question or dispute arises as to the meaning or application of clause *b* of subsection 2 or as to the meaning of "shift", "workman", or "underground", the certificate of the engineer is conclusive.

(2) No workman shall remain or be allowed to remain underground in a mine for more than eight hours in any consecutive twenty-four hours, which eight hours shall be reckoned from the time he arrives at his place of work in the mine until the time he leaves such place, except that, Hours of labour underground

- (a) a shift or any part of a shift may remain or be allowed to remain underground in a mine for more than eight hours in any consecutive twenty-four hours on one day of a week for the purpose of avoiding work on Sunday or on a holiday or changing shift;
- (b) such limit does not apply to a foreman, pumpman, caretender, or any person engaged solely in surveying or measuring, nor does it apply in cases of emergency where life or property is in imminent danger, nor does it apply in cases of repair work.

(3) No person shall operate or be permitted to operate, either on the surface or underground, a hoist, by means of which persons or material are hoisted, lowered or handled in a shaft or winze, for more than eight hours in any consecutive twenty-four hours, except, Hours of operator of hoist

- (a) that, in the event of one of the regular hoistmen being absent from duty through sickness or otherwise and

where no competent substitute is available, the remaining hoistman or hoistmen may work extra time not exceeding four hours each in any consecutive twenty-four hours for a period not exceeding fourteen days;

(b) that, in the case where the work at a mine or in a shaft or winze at a mine is not carried out continuously on three shifts per day, the hoistman may work such extra time as is necessary for hoisting or lowering the workmen employed on the shift at the beginning and end of each shift;

(c) in the cases provided for in clauses *a* and *b* of subsection 2.

Application
of section

(4) This section applies to all parts of Ontario without county organization, and applies to the other parts of Ontario on a day to be named by the Lieutenant Governor by his proclamation. R.S.O. 1960, c. 241, s. 164.

QUALIFICATIONS OF HOISTMEN

Age limit
of hoistmen

165.—(1) No person under the age of twenty-one years and no person who has not had adequate experience on a reversing hoist shall be allowed to have charge of a hoist at a shaft or winze in which men are handled at a mine.

Idem

(2) No person under the age of eighteen years shall be allowed to have charge of a hoist at a mine.

Hoistman
to be
holder of
medical
certificate

(3) No person shall operate or be permitted to operate a hoist at a shaft or winze in which men are handled at a mine, or for any other purpose designated by an engineer, unless the person has been examined by a legally qualified medical practitioner acceptable to the employer and the medical practitioner has issued to the person on the form prescribed a hoistman's medical certificate to the effect that to the best of the practitioner's knowledge the person is not subject to any infirmity, mental or physical (particularly with regard to sight, hearing and heart), to such a degree as to interfere with the efficient discharge of his duties.

Expiry of
certificate

(4) Such certificate lapses and shall be deemed to have expired at the end of one year from its date.

Filing of
certificate

(5) Such certificate shall be kept on file by the employer and made available to an engineer at his request.

(6) A record of all hoistmen's medical certificates pertaining to hoistmen operating in any one hoistroom shall be kept posted therein, showing the names of the hoistmen and the date of the last certificate issued to each. R.S.O. 1960, c. 241, s. 165. Posting
record of
certificates

(7) This section does not apply to the operation of hoists when on automatic control. *New.* Automatic
hoist
exempted

166. Where a contravention of section 162, 164 or 165 takes place, the owner or agent of the mine, or both of them, may be proceeded against, jointly or separately, and may be convicted of such offence, but neither the owner nor the agent shall be so convicted if he proves that the offence was committed without his knowledge or consent, and that he had caused notices of the said sections to be posted up, and to be kept posted up, at some conspicuous place at or near the entrance to the mining work. R.S.O. 1960, c. 241, s. 166. Proceedings
where
persons
employed
contrary
to Act

MEDICAL EXAMINATIONS

167.—(1) In this section,

Interpre-
tation

- (a) "applicant" means a person who is not the holder of a certificate in good standing who is seeking employment in a dust exposure occupation;
- (b) "certificate" means an initial certificate, an extended certificate, an endorsed certificate, a miner's certificate or a renewed certificate;
- (c) "dust exposure occupation" means,
 - (i) employment underground in a mine,
 - (ii) employment at the surface of a mine, other than at a pit or quarry, in ore or rock crushing operations where the ore or rock is not crushed in water or a chemical solution,
 - (iii) employment at other locations, as designated by the chief engineer, at the surface of a mine or in a pit or quarry;
- (d) "endorsed certificate" means an initial certificate or extended certificate that has been endorsed under clause *b* of subsection 7;
- (e) "extended certificate" means an initial certificate that has been extended under clause *a* of subsection 7;

(f) "initial certificate" means a certificate issued to an applicant under subsection 6;

R.S.O. 1960,
c. 437

(g) "medical officer" means a medical officer appointed under *The Workmen's Compensation Act* to carry out the provisions of this Act with regard to the examination of employees or applicants for employment;

(h) "miner's certificate" means a certificate issued under subsection 8;

(i) "renewed certificate" means a miner's certificate that has been renewed under subsection 9. R.S.O. 1960, c. 241, s. 167 (1), *amended*.

Employment
in dust
exposure
occupation

(2) No person shall be employed in a dust exposure occupation unless he is the holder of a certificate in good standing.

Term of
certificate

(3) Subject to subsection 4, every certificate remains in force for not more than twelve months, except that a medical officer may at any time recall the holder of a certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel the certificate in accordance with his finding upon the examination.

Examination
by travelling
medical
officer

(4) In those parts of Ontario where the examinations under subsections 6 to 9 are conducted by a travelling medical officer, no certificate shall be deemed to have expired because of the failure of the medical officer to conduct an examination prior to the date of expiration of a certificate, and the holder of a certificate that would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired.

Expiration
of
certificate

(5) Where a certificate of a person employed in the mining industry has expired because of the failure of its holder to present himself to a medical officer for examination, a medical officer may extend, endorse or renew the certificate or issue a miner's certificate, as the circumstances of the case require, if he is satisfied that the failure was caused by the inability of the holder to so present himself because of illness or other circumstances beyond his control.

Examination
before
employment

(6) Every applicant shall be examined by a medical officer before commencing employment, and, if the medical officer finds upon examination that the applicant is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation, he shall issue to the applicant an initial certificate.

(7) The holder of an initial certificate shall, prior to its expiration, present himself to a medical officer for re-examination, and, if the medical officer finds upon examination that the holder is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation, he shall,

(a) in the case of a holder who since the issuance of his initial certificate has completed less than eleven months employment in a dust exposure occupation, extend the certificate for such period as he deems necessary to permit the holder to complete twelve months employment in a dust exposure occupation, and he may from time to time extend the certificate for the same purpose; and

(b) in the case of a holder of an initial certificate who since the issuance of his initial certificate has completed eleven months or more employment in a dust exposure occupation, endorse the certificate.

(8) The holder of an endorsed certificate who since the endorsement of his initial certificate has completed eleven months or more employment in a dust exposure occupation shall, prior to its expiration, present himself to a medical officer for examination, and, if the medical officer finds upon examination that the holder is free from tuberculosis of the respiratory organs, he shall issue him a miner's certificate.

(9) The holder of a miner's certificate shall, prior to its expiration, present himself to a medical officer for re-examination, and, if the medical officer finds upon examination that the holder is free from tuberculosis of the respiratory organs, he shall renew the certificate, which may be further renewed from year to year upon the passing of a similar examination.

(10) The holder of a certificate who for any reason is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and, upon presentation of the holder's certificate, the medical officer shall conduct the required examination and effect such extension, endorsement, renewal or issuance as is warranted by his findings upon the examination.

(11) Where the holder of an initial or extended certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed, through neglect on his part, to have his certificate extended

or endorsed, such certificate is void and its holder is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Holder of
endorsed or
miner's
certificate

(12) Where the holder of an endorsed certificate or miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed, through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed, his certificate is void and the holder thereof is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Where un-
employment
exceeds $\frac{3}{2}$
three years

(13) Where the holder of a certificate has been out of employment in the mining industry for a period exceeding three years, he is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Custody of
certificate

(14) The manager or superintendent of the mine at which the holder of a certificate is employed may require the certificate to be delivered to and left in the custody of the manager or superintendent during the period of the holder's employment at the mine, but the certificate shall be returned to the holder upon the termination of his employment at the mine.

Exemption

(15) The chief engineer may exempt from subsections 2 to 14 any mine or any person employed thereat where, in his opinion, the mine does not contain silica in quantity likely to produce silicosis or where for any other reason he is of the opinion that such subsections should not apply.

Idem

(16) Subsections 2 to 14 do not apply to a person usually employed in a dust exposure occupation for less than fifty hours in each calendar month.

Regulations

(17) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the nature of the examination to be made by a medical officer under subsections 6 to 11;
 - (b) prescribing the forms of certificates and extensions, endorsements and renewals thereof;
 - (c) generally for the better carrying out of this section.
- R.S.O. 1960, c. 241, s. 167 (2-17).

PROTECTION OF UNUSED WORKINGS

Fencing

168.—(1) Where a mine has been abandoned or the work in it has been discontinued, its owner or lessee or any other person interested in the mineral of the mine shall cause the

top of the shaft and all entrances from the surface, as well as all other pits and openings dangerous by reason of their depth or other conditions, to be and to be kept securely fenced or otherwise protected against inadvertent access to the satisfaction of the engineer, except where in his opinion the mine or workings present no greater hazard than the natural topographic features of the district.

(2) Every such person who, after notice in writing from the engineer, fails to comply with his directions as to such fencing or protection within the time specified in the notice is guilty of an offence against this Act. Failure to erect fence after notice

(3) Where the engineer finds that any such fencing or protection is required in order to avoid danger to health or property, he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs with interest thereon is a lien upon the mine or mining work of which notice in such form as the Minister prescribes may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid. When engineer may erect fence

(4) The amount of such costs with interest thereon is due from the owner or lessee to the Crown and is recoverable at the suit of the engineer in any court of competent jurisdiction. Recovery of costs of work

(5) Notwithstanding subsections 3 and 4, the Minister, either without payment or on such terms and conditions as he deems proper, may cause a cessation of charge to be registered in the proper registry or land titles office, and thereupon the lien registered under subsection 3 is void and of no effect. Discharge of fencing liens
R.S.O. 1960, c. 241, s. 168.

PROCEDURE, FATAL ACCIDENTS

169.—(1) Where a fatal accident occurs in or in connection with a mine, an inquest shall be held. Coroner to hold inquest

(2) The manager or other person in charge of a mine wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner having jurisdiction in the place where the accident occurred. Duty of manager

(3) A coroner who is in any way in the employment of the owner or lessee of a mine wherein or in connection wherewith a fatal accident occurs is ineligible to act as coroner in connection with such accident. Eligibility of coroner

Supervising
Coroner
may direct

(4) Where a fatal accident occurs in or in connection with a mine at a place that is more readily accessible to a coroner not having jurisdiction in such place than to any eligible coroner having jurisdiction thereat, the Supervising Coroner for Ontario may direct such coroner to issue his warrant and conduct an inquest, and the direction is such coroner's authority therefor.

Right of
engineer
re inquest

(5) The engineer and any person authorized to act on his behalf are entitled to be present and to examine or cross-examine any witness at an inquest held concerning a death caused by an accident at a mine, and, if the engineer or someone on his behalf is not present, the coroner shall, before proceeding with the evidence, adjourn the inquest and give the Deputy Minister not less than four days notice of the time and place at which the evidence is to be taken.

Notice of
fatal
accidents

(6) Where in or about a mine, metallurgical works, quarry, or sand, clay or gravel pit, an accident occurs that causes loss of life to a person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the engineer resident in that part of Ontario in which the accident occurred and the chief engineer by telephone or telegraph.

Scene to be
undisturbed

(7) Subject to subsection 8, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until the engineer has completed an investigation of the circumstances surrounding the accident.

Permission
to alter
scene

(8) Where it is impossible for the engineer to make an immediate investigation of an accident, the chief engineer or engineer may permit the wreckage, article and things at the scene of or connected with the accident to be moved to such extent as is necessary to permit the work of the mine, metallurgical works, quarry, or sand, clay or gravel pit, to be proceeded with, if photographs or drawings showing details of the scene of the accident have been made prior to the moving. R.S.O. 1960, c. 241, s. 169.

RESPONSIBILITY AS TO PROVISIONS

Suspension
of provision

170.—(1) Where the owner, agent or manager of a mine, by an application in writing stating the reasons therefor, requests the engineer to suspend the requirements of sections 173 to 594 as to such mine, the chief engineer may in writing direct that the requirements of any such provision do not apply to such mine, or may in writing direct that any

such provision does not apply so long as such limitations and conditions as he sees fit to impose are observed or complied with.

(2) The chief engineer may at any time cancel any order made under subsection 1 or make such alterations therein as he deems proper in view of any change in the conditions under which the order was made or upon it appearing to him that such change is advisable for any other reason. ^{Cancellation of suspension}

(3) The manager of a mine may make rules not inconsistent with any provision of this Part or any special direction made by an engineer as herein provided for the maintenance of order and discipline and the prevention of accidents in the mine, and may submit any rule so made to the chief engineer who shall lay the rules before the Minister for his approval, and, upon such approval being given, the rules take effect after they have been posted up in a conspicuous place at the mine for at least fourteen days, but the Minister may disallow any of such rules or direct such changes to be made in them as he deems proper. ^{Manager may make rules}

(4) Every such rule, after approval and when and so long as it is posted up and is legible, has the same force and effect as the provisions of this Act, and any person who contravenes any such rule is liable to the penalty provided for a breach of the provisions of this Act. ^{Offence}

(5) The owner of a working mine or works shall appoint a manager who is responsible for the control, management and direction of the mine or works. ^{Responsibility as to carrying out rules}

(6) Except as to any provisions that the chief engineer has directed are not applicable thereto, ^{Idem}

(a) the manager of the mine shall take all necessary and reasonable measures to enforce the provisions of this Part and to ensure that they are observed by every employee of the mine, and every foreman, shift boss, mine captain and department head shall take all necessary and reasonable measures to enforce the requirements of all such provisions as are applicable to the work over which he has supervision and to ensure that they are observed by the workmen under his charge and direction;

(b) every workman shall take all necessary and reasonable measures to carry out his duties in accordance with such provisions as are applicable to the work in which he is engaged; and

- (c) every person through whose neglect or wrongful act a contravention occurs shall be deemed to have incurred the penalties provided for a breach of the provisions of this Part.

Idem

(7) The manager of a working property shall appoint one or more suitable persons who are responsible, during the manager's absence, for taking all necessary and reasonable measures to enforce the requirements of subsection 6.

Owner to give facilities to manager to comply

(8) The owner or agent shall provide the manager of a mine or works with the necessary means and shall afford him every facility for complying with this Part.

Liability of contractors and sub-contractors

(9) Where work in or about a mine is let to a contractor or sub-contractor, he shall comply and enforce compliance with all the provisions of this Part pertaining to the work over which he has control and is, in any case of non-compliance therewith, guilty of an offence and punishable in like manner as if he were the owner or agent. R.S.O. 1960, c. 241, s. 170.

REQUIREMENTS

Requirements

171. Subject to section 170, sections 173 to 594 shall be observed and carried out at every mine. R.S.O. 1960, c. 241, s. 171.

Interpretation

172. In sections 173 to 594,

- (a) "blasting agent" means a type of explosive of low sensitivity that cannot, as mixed and packaged for use, be detonated by a single No. 8 detonator, and, unless specified, the requirements for explosives do not apply to a blasting agent;
- (b) "charge" means explosives or a blasting agent that may be exploded by a single detonator or a detonator and primer;
- (c) "drum hoist" means the type of hoist that spools the rope on the hoist drum;
- (d) "explosives" includes detonators and those powders that are cap sensitive with a single detonator as packaged for use, and includes black blasting powder;
- (e) "fire-resisting", when applied to buildings, structures or parts thereof, means constructed of steel, masonry, reinforced concrete or other equivalent material or any combination of such materials;

- (f) "friction hoist" means the type of hoist where the rope is driven by the friction between it and the drum tread and where the rope is not spooled on the hoist drum but passes over or around it;
- (g) "shot" means the sound of a charge or charges being exploded,

and the decision of an engineer as to whether or not a situation complies with a requirement therein in which "suitable", "adequate", "approved", or any expression of like import, is used and as to the meaning and application of any such expression is final and conclusive, and a certificate of any such decision signed by the engineer may be used as evidence in any court. R.S.O. 1960, c. 241, s. 172, *amended*.

173.—(1) It is the duty of every manager, superintendent,^{Duty as to knowledge of requirements} mine foreman, shift boss, hoistman, deckman, cagetender or skiptender, and every person in charge of workmen, or who handles explosives, or who operates, installs or has to do with maintenance of any machinery or electrical apparatus in or about a mine, to know the requirements of this Part that apply to the work in which he is engaged.

(2) Every person employed as a foreman, meaning thereby^{Foreman, knowledge of English language} one who is exclusively engaged in supervising the work of other men, shall be able to give and to receive and understand orders in the English language.

(3) Every person in charge as a deckman, cagetender,^{Other workmen, knowledge of English language} skiptender or hoistman shall have a knowledge of the English language adequate for enabling him to carry out his duties in a thoroughly safe manner. R.S.O. 1960, c. 241, s. 173.

Fire Protection

174.—(1) General procedure to be followed both on surface^{Procedure} and underground in case of fire underground or in a mine plant building that may endanger the mine entrance shall be drawn up, and all persons concerned shall be informed and kept informed of their duties.

(2) Copies of the procedure or suitable excerpts shall be^{Posting} kept posted in the shafthouse and other prominent places.

(3) Procedures for fighting fire in surface plant buildings^{Idem} at a mine shall be drawn up and suitable signs pertaining to and excerpts from the procedures shall be kept posted in prominent places.

Tests

(4) Tests of the effectiveness of such procedure shall be made at least once a year and a report of the effectiveness of the test shall be made available to the engineer. R.S.O. 1960, c. 241, s. 174.

Stench
warning

175.—(1) Every mine worked from shafts or adits producing over 100 tons of ore per day and such other mines as are designated by the engineer shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the chief engineer, and such apparatus shall be available at all times in a suitable location and kept ready for instant use for the purpose of warning workmen underground of any emergency necessitating a speedy evacuation of the workings.

Idem

(2) A test of the effectiveness of the procedure set out in subsection 1 of section 174 shall be made at least once a year. R.S.O. 1960, c. 241, s. 175.

Flammable
refuse

176.—(1) No flammable refuse shall be allowed to accumulate underground but shall be removed from the workings at least once a week and brought to the surface and there disposed of in a suitable manner.

Idem

(2) Flammable refuse shall not be allowed to accumulate in or about a headframe, shafthouse, portalhouse or any other plant building.

Idem

(3) Suitable metal containers for the temporary disposal of flammable refuse, such as scrap paper, oily waste, rags and other similar materials, shall be provided at all shaft stations, underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery or equipment or stores, and such containers shall be regularly emptied and the material accumulated brought to the surface and disposed of in a suitable manner.

Unused
timber

(4) All timber not in use in a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Certificate
as to
flammable
refuse

(5) Every shift boss or mine captain shall certify in writing to the mine manager at least once a week that there is no accumulation of flammable refuse underground in the area under his supervision except as reported by him.

Storage of
oil and
grease

(6) Oil, grease or other flammable material shall not be stored in a shafthouse or portalhouse, but it is permissible, if adequate precautions are taken, to have in the shafthouse or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operation.

(7) Volatile, flammable liquids shall not be stored in a shafthouse or portalhouse and such material shall be transported underground only in approved types of metal containers. ^{volatile, flammable liquids}

(8) Oil, grease or volatile flammable liquid while underground shall be contained in suitable receptacles, and the amount of oil or grease so kept underground shall not exceed the requirements for seven days and the amount of volatile flammable liquid kept underground shall not exceed the requirements for the current day's work. R.S.O. 1960, c. 241, s. 176. ^{Oil and grease underground}

177. No person shall build, set or maintain a fire underground for any purpose unless he has proper authority and suitable instructions for so doing, and only after the necessary fire-fighting equipment has been provided. R.S.O. 1960, c. 241, s. 177. ^{Building fires prohibited}

178. Where open-flame lights are used at a mine not equipped with a headframe and shafthouse or portalhouse constructed of fire-resisting materials, the interior of the shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fire-resisting material to a height of eight feet. R.S.O. 1960, c. 241, s. 178. ^{Open-flame lights, precautions}

179. All underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery and equipment and stores and the furnishings of such shall be so located, constructed and maintained as to reduce the fire hazard to a minimum. R.S.O. 1960, c. 241, s. 179. ^{Underground structures}

180.—(1) If the engineer is of the opinion that a fire hazard may be created at a mine by smoking, or by the use of open-flame lamps, matches, or other means of producing heat or fire, he may designate the mine or part or parts of the mine as a fire hazard area. ^{Fire hazard areas}

(2) No person shall smoke or be allowed to smoke, use open-flame lamps, matches or other means of producing heat or fire in such areas except with the permission in writing of the engineer and under such conditions as he deems proper. ^{Idem}

(3) Such fire hazard areas shall be properly identified by suitable warning signs. ^{Idem}

(4) The owner or manager shall cause such signs to be installed and maintained as long as the area is so designated. R.S.O. 1960, c. 241, s. 180. ^{Idem}

When
flammable
gas en-
countered
in mine

181. When a flammable gas in dangerous concentrations has been found to exist in a mine working, such working or the parts of such working concerned shall immediately be considered a fire hazard area, and every precaution shall be taken while clearing the area or doing any work therein to prevent ignition of the gas and these precautions shall be continued as long as the hazard exists. R.S.O. 1960, c. 241, s. 181.

Fire-fighting
equipment

182.—(1) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shaft-house, portalhouse and every other plant building and at every shaft or winze station underground.

Idem

(2) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, pump stations, tipples and underground electrical installations except where, in the opinion of the engineer, no fire hazard exists.

Idem

(3) A properly authorized person or persons shall make a monthly inspection of all fire-fighting equipment and shall make a report in writing to the manager stating that such examination has been made and certifying as to the conditions found. R.S.O. 1960, c. 241, s. 182.

Storage of
carbide

183.—(1) Calcium carbide shall be stored on the surface only in a suitable, dry place, other than the shafthouse or portalhouse or changehouse, and in its original unopened container.

Distribution
of carbide

(2) For the purpose of distributing calcium carbide, adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater, shall be made at every mine.

Idem

(3) Such distribution shall not take place in a shafthouse, portalhouse or changehouse unless such structure is fire-resisting but shall be provided for by the installation of a suitable distribution centre not closer than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

Handling
of
carbide

(4) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no calcium carbide shall be taken underground except in suitable containers. R.S.O. 1960, c. 241, s. 183.

Fire pro-
tection
where
torches
used

184. Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in a headframe, shafthouse, portalhouse or other building in which a fire may endanger the mine entrance or the underground

workings of a mine, suitable measures for protection against fire shall be adopted and rigidly adhered to. R.S.O. 1960, c. 241, s. 184.

185.—(1) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators and manifolds, shall be disconnected from the cylinders and the valves shall be protected in a suitable manner. Underground transportation of compressed gases

(2) Any such removable protective device shall be replaced Idem at any time a cylinder is left unattended or before a cylinder is moved to a new location.

(3) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the workman operating the nozzle equipment, a second competent person shall be employed at all times to attend to the operation of the cylinder-control devices. Operation of welding and cutting torches

(4) In all cases where cylinders of compressed gas are used underground for the purpose of supplying cutting or welding equipment, special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment. R.S.O. 1960, c. 241, s. 185. Compressed gas

186. No device for the generation of gas, such as acetylene for supplying cutting or welding equipment, shall be used in the underground workings of a mine. R.S.O. 1960, c. 241, s. 186. Generation of gas underground forbidden

187.—(1) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced, there shall be provided and maintained, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore extracted, a separate escapement exit. Escapement exit

(2) Such exit shall not be less than fifty feet from the main entrance to the mine and any structure covering such exit shall be of such material and so constructed to reduce the fire hazard to a minimum. Location of exit

(3) If such an escapement exit is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced and shall be diligently prosecuted until it is completed, and means of escapement, other When necessary

than the main outlet of the mine, shall be provided to and connected with the lowest level on which stoping operations are being carried on.

Size of
exit

(4) The escapement exit shall be of sufficient size to afford an easy passageway and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.

Monthly
exit
inspection

(5) The manager shall depute some competent person or persons to make an inspection of such escapement exit at least once a month.

Record of
inspection

(6) A record of such inspection and the conditions found shall be made in writing by the person making it.

Legible
signs show-
ing exits

(7) Legible signs showing the way to escapement exits shall be posted in prominent places underground and all workmen shall be instructed as to the location of the escapement exits. R.S.O. 1960, c. 241, s. 187.

Buildings in
proximity
to mine
entrance

188. Unless there is first provided a second means of exit from the mine workings, no building of other than fire-resisting construction shall be erected within fifty feet of any closed-in part of a headframe or portalhouse, except that the building housing the hoist and power plant equipment may be erected within this distance so long as such distance is not less than thirty-five feet. R.S.O. 1960, c. 241, s. 188.

Auxiliary
exits for
plant
buildings

189.—(1) All plant buildings where men are regularly employed, except those buildings used for explosives, shall have suitable and adequate auxiliary exits in addition to the main entrance.

Availability

(2) Such auxiliary exits shall be maintained for use in case of fire. R.S.O. 1960, c. 241, s. 189.

Location
of boilers
and diesel
engines

190. No steam boiler or diesel engine shall be installed in such a manner that any part thereof is within seventy-five feet of the centre line of the collar of a shaft or other entrance to a mine. R.S.O. 1960, c. 241, s. 190.

Location
of internal
combustion
engines

191. No gasoline or other internal combustion engine using highly volatile liquids or flammable gases shall be installed within fifty feet of the building housing the hoist nor within 100 feet of the centre line of the collar of a shaft or other entrance to a mine. R.S.O. 1960, c. 241, s. 191.

Exhaust of
internal
combustion
engines

192.—(1) Where an internal combustion engine is installed at a mine, provision shall be made for safely conducting the exhaust of such engine to a point well outside the building.

(2) The exhaust shall be so arranged as to avert the possibility of fumes re-entering the building or entering the intake of an air compressor or contaminating the atmosphere of any adjacent buildings or the mine workings. R.S.O. 1960, c. 241, s. 192.

193.—(1) Except for the actual fuel tanks of operating equipment, no storage of gasoline or liquid fuel shall be permitted within 100 feet of the collar of a shaft or other entrance of a mine. ^{Storage of liquid fuels} *Idem*

(2) The natural drainage from such a location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance. R.S.O. 1960, c. 241, s. 193. *Idem*

194.—(1) The fuel tanks of an internal combustion engine installed in a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point outside the building and the fuel is conducted to the tank in a tightly-jointed pipe or conduit. ^{Transfer of liquid fuel}

(2) Similar provisions for the escape of displaced air from the fuel tank shall be made whereby the displaced air will be conducted to a safe point outside the building before being discharged into the atmosphere. *Idem*

(3) The transfer of liquid fuels from one container to another by the direct application of air under pressure shall not be permitted, except where properly designed and tested equipment is used for this purpose. R.S.O. 1960, c. 241, s. 194. *Idem*

195.—(1) Where practicable, there shall be a sufficient number of fire doors installed underground to cut off the shaft and the mine openings directly associated with it from the other workings of the mine. ^{Fire doors}

(2) Fire doors shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times. ^{Properly maintained} R.S.O. 1960, c. 241, s. 195, *amended*.

196. Where the chief engineer deems it necessary or advisable for the protection of workmen employed underground, he may order refuge stations to be provided and maintained at such places in the mine as he directs, and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station. ^{Refuge stations} R.S.O. 1960, c. 241, s. 196.

Connection
between
mines

197.—(1) Where the chief engineer deems it necessary or advisable for the protection of workmen employed underground, he may recommend in writing to the Minister that a connection between mines be established at such places as he deems advisable and he may further recommend that such connection be so made and equipped as to constitute a refuge station or refuge stations.

Idem

(2) Upon the approval by the Minister of any such recommendation, a copy thereof, accompanied by a copy of this section, shall be served personally upon or sent by registered mail to the owner or the agent and the manager of each of the mines affected.

Committee

(3) Upon the approval of such a recommendation of the chief engineer, the Minister may in writing signed by him direct each of the mining companies concerned to appoint a representative to act in its behalf on a committee under the chairmanship of a third party, who shall be a mining engineer recommended by the chief engineer and appointed to the chairmanship of the committee by the Minister, and the committee shall determine,

- (a) the design, specifications and location of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;
- (b) the work to be done by each of the mines affected and the proportion in which the cost of the work and of establishing and maintaining the connection shall be borne by the owners of the mines affected;
- (c) the time at which the work in compliance herewith shall be commenced and completed;
- (d) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected; and
- (e) such other provisions or requirements as in the premises they deem necessary or advisable.

Idem

(4) The committee shall submit a report in writing to the Minister, and a report of the majority of the committee shall be deemed to be the finding of the committee.

Idem

(5) Upon the approval by the Minister of the report of the committee, the chief engineer may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any are recommended) in accordance with the terms of the report.

(6) A copy of the report shall be attached to the order and ^{Idem} forms a part thereof.

(7) No such order is subject to appeal upon any ground ^{Idem} whatsoever and is enforceable in the same manner as any order of the chief engineer. R.S.O. 1960, c. 241, s. 197.

Aid to Injured

198.—(1) At every mine, there shall be maintained a ^{Stretchers} sufficient number of properly-constructed stretchers for the proper handling and transporting of persons who are injured in the discharge of their duties about the mine.

(2) There shall be provided and maintained at every mine ^{First aid supplies} for the treatment of any person injured such first aid supplies as are required by the regulations under *The Workmen's Compensation Act*. R.S.O. 1960, c. 241, s. 198. ^{R.S.O. 1960, c. 437}

Handling Water

199. Every working mine shall be provided with suitable ^{Removal of water from mine workings} and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of workmen in the mine or in any adjoining mine. R.S.O. 1960, c. 241, s. 199.

200. Where there is or may be an accumulation of water, ^{Precautions against flow of water} any working approaching the same shall have bore holes kept in advance, and such additional precautionary measures shall be taken as are deemed necessary to obviate the danger of a sudden breaking-through of the water. R.S.O. 1960, c. 241, s. 200.

201. A bulkhead or other suitable stop shall be placed in ^{Bulkhead in sump} every working shaft to prevent that part of the hoisting conveyance carrying men from being inadvertently lowered into water in the sump of the shaft. R.S.O. 1960, c. 241, s. 201.

202.—(1) For the purposes of this section, ^{Interpretation}

(a) "bulkhead" means any structure built for the purpose of impounding water or confining air under pressure in a drift, crosscut or any other mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening;

(b) "dam" means a structure built for the purpose of impounding water in a drift, crosscut or other mine opening and built in such a manner as to permit an unobstructed overflow of the water.

- Location of bulkhead and dam (2) The location of every underground bulkhead and dam within the meaning of this section shall be clearly shown on the mine plans.
- Permission necessary, for dam (3) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground without the written permission of the chief engineer and then only when constructed in accordance with plans and specifications that have been approved by him.
- for bulkhead (4) No bulkhead shall be constructed underground without the written permission of the chief engineer and then only when constructed in accordance with plans and specifications that have been approved by him.
- Completion of bulkhead (5) On the completion of the installation of a bulkhead, the manager shall immediately notify the chief engineer that it has been completed. R.S.O. 1960, c. 241, s. 202.

Ventilation

- Ventilation 203.—(1) The ventilation in every mine shall be such that the air in all of its workings, which are in use or are to be used by workmen or others, shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in the mine.
- Mechanical ventilation (2) In mine workings where such conditions cannot be obtained by natural ventilation, approved means for mechanical ventilation shall be provided and kept in operation until the workings have been abandoned or until satisfactory natural ventilation has been brought about therein.
- Idem (3) All structures containing fans used in connection with the underground ventilation of a mine shall be of such construction as to reduce the fire hazard to a minimum. R.S.O. 1960, c. 241, s. 203.
- Unused workings to be tested for gas 204. Underground workings that have been in disuse for some time and that are not in the main ventilation circuit shall be examined before being again used in order to ascertain whether dangerous gases have accumulated there or whether an oxygen deficiency exists, and only such workmen as are necessary to make the examination shall be allowed to proceed to such places until the places are safe to work or travel in. R.S.O. 1960, c. 241, s. 204.
- Internal combustion engine underground 205.—(1) No internal combustion engine shall be installed or operated in a shaft or adit, or in any working in connection with a shaft or adit, unless permission in writing from the chief engineer is first obtained.

(2) No internal combustion engine shall be installed or *Idem* operated in any clay, sand or gravel pit or in any quarry or other open pit working designated by an engineer as unsafe for this purpose. R.S.O. 1960, c. 241, s. 205.

Sanitation

206. The manager of a mine shall provide or cause to be provided on the surface and in the underground workings sufficient and suitable sanitary conveniences in accordance with the following requirements:

1. Where men are employed underground, one sanitary convenience shall be provided for every twenty-five persons or portion thereof on any shift.
2. Where men are employed on surface, one sanitary convenience and one urinal shall be provided for every twenty-five persons or portion thereof on any shift.
3. Where women are employed, separate toilets with entirely separate entrances from those furnished the men shall be provided.
4. One toilet shall be provided for every fifteen women or portion thereof on any shift.
5. Such rooms shall be clearly marked as to the sex for which they are provided. R.S.O. 1960, c. 241, s. 206.

207.—(1) Sanitary conveniences underground shall be, *Idem*

- (a) conveniently placed, having regard to the number of men employed on the different levels;
- (b) placed in a well-ventilated part of the mine;
- (c) kept clean and sanitary; and
- (d) suitably disposed of regularly.

(2) Sanitary conveniences, urinals and toilets on surface shall be kept clean and sanitary. R.S.O. 1960, c. 241, s. 207.

208. Any person depositing faeces in any place underground, other than in the sanitary conveniences provided, is guilty of an offence against this Act. R.S.O. 1960, c. 241, s. 208.

209. A supply of wholesome drinking water shall be provided both on surface and underground at points reasonably accessible to the working places. R.S.O. 1960, c. 241, s. 209.

Dressing
room

210.—(1) If men are employed underground or in hot or dusty occupations on surface at a mine or works, suitable and sufficient accommodation, including supplies of clean, cold and warm water for washing, shall be provided above-ground near the principal entrance of the mine or works for enabling the persons employed to conveniently dry and change their clothes.

Location
of
dressing
room

(2) Such accommodation, unless of fire-resisting construction, shall not be nearer than fifty feet to a shafthouse or portalhouse and it shall not be located in a hoistroom or boilerhouse except where a separate, properly-constructed room is provided. R.S.O. 1960, c. 241, s. 210.

Care and Use of Explosives and Blasting Agents

Precaution
to be
taken

211. Every possible precaution shall be taken in the handling and transportation of explosives and blasting agents. R.S.O. 1960, c. 241, s. 211, *amended*.

Marking of
explosives

212. No explosive shall be used at a mine unless there are plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, the strength of the explosive and the date of its manufacture. R.S.O. 1960, c. 241, s. 212.

Fume classi-
fication of
explosives

213.—(1) Only explosives in Fume Class I as established by the Explosives Division of the Department of Mines and Technical Surveys of Canada or explosives and blasting agents as permitted by the chief engineer shall be used underground.

Preparation
of blasting
agent

(2) The preparation of a blasting agent on a mining property, except when prepared by a properly-authorized manufacturer of explosives or blasting agents, shall be done only with the permission of the chief engineer in writing. R.S.O. 1960, c. 241, s. 213, *amended*.

Defective
explosives
to be
reported

214. Every case of supposedly defective fuse, detonator or blasting cap, or explosive, shall be reported to an engineer with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of such fuse, detonator or blasting cap, or explosive, along with all other pertinent information available. R.S.O. 1960, c. 241, s. 214.

Storage of
explosives
and
blasting
agents

215.—(1) Except as otherwise provided, all explosives and blasting agents and all detonators or blasting caps shall be stored on surface in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses. R.S.O. 1960, c. 241, s. 215 (1), *amended*.

- (2) Every such building shall be under the direction of the manager or a person authorized by him. Storage under authorized person
- (3) No such building shall be erected or maintained at a mine except with the written permission of an engineer, nor until the site of the building and the style of structure have been approved by him. R.S.O. 1960, c. 241, s. 215 (2, 3). Permission, necessary before construction
- (4) Such written permission shall state the maximum quantity and kind of explosive or blasting agent that may be stored in the building. R.S.O. 1960, c. 241, s. 215 (4), *amended*. to state quantity
- (5) The permission shall be posted in the building. posting
- (6) Where possible, every such building shall be located in accordance with the British Table of Distances in respect of its distance from the mine or works or any other buildings or any public highway or public railway. British Table of Distances
- (7) Where conditions are such that it is impossible to locate such buildings in accordance with the British Table of Distances, the mine manager and an engineer shall jointly choose the most suitable location. R.S.O. 1960, c. 241, s. 215 (5-7). Idem
- (8) Storages for blasting agents may contain three times the quantity of blasting agent as compared to explosives as set by the British Table of Distances. Storages for blasting agents
- (9) Where explosives and blasting agents are stored together, the lesser limit of storage shall apply. *New*. Idem
- (10) Every such building shall be constructed of such materials as to ensure as far as possible against accident from any cause. R.S.O. 1960, c. 241, s. 215 (8). Materials used in building
- (11) The requirements in reference to the care and use of explosives and blasting agents shall be kept posted up inside every such building. Requirements to be posted
- (12) Every such building shall be kept securely locked at all times that the attendant is not present and it shall be clearly indicated by one or more easily-visible signs that explosives or blasting agents are stored therein. R.S.O. 1960, c. 241, s. 215 (9, 10), *amended*. Buildings locked, and signs
- (13) Such sign or signs shall be posted beside the road approaches to the building at least eight feet above the ground and twenty-five feet distant from the entrance. R.S.O. 1960, c. 241, s. 215 (11). Posting of signs

- Storage
to be
clean, etc. 216. All explosive, blasting agent, detonator or fuse storages at or in a mine shall be kept clean, dry and free from grit at all times. R.S.O. 1960, c. 241, s. 216, *amended*.
- Floors
and
shelves 217. Floors and shelves of magazines and thaw houses shall be treated with a suitable neutralizing agent, whenever necessary, to remove any traces of explosive substances. R.S.O. 1960, c. 241, s. 217.
- What
explosives
to be
used first 218.—(1) When supplies of explosives or blasting agents are removed from a magazine, those that have been longest in the magazine shall be used first, provided they are not defective.
- Defective
explosives
and blasting
agents (2) In all cases where explosives or blasting agents have become defective, they shall be suitably and safely disposed of. R.S.O. 1960, c. 241, s. 218, *amended*.
- Disposal
of defective
explosives
and blasting
agents (3) An engineer may, if he deems it necessary to protect life or property, arrange for the disposal of defective or abandoned explosives or blasting agents, and the amount of costs so incurred shall be due to the Crown from the owner and recoverable in any court of competent jurisdiction. *New*.
- Opening
cases 219. Only implements of wood or fibre shall be used in opening cases that contain explosives. R.S.O. 1960, c. 241, s. 219.
- Storage of
explosives
and blasting
agents
underground 220.—(1) Explosives or blasting agents, including caps, fuse and igniter cord, shall not be stored underground in excess of the necessary underground supply for forty-eight hours.
- Storage
capacity (2) In no case shall an amount exceeding 300 pounds of explosive or 900 pounds of blasting agent be stored in any one place underground without the written permission of an engineer.
- Written
permission
for increased
capacity (3) With the written permission of an engineer and subject to such conditions as he prescribes, other underground explosive storages may be established, but in no case shall more than 1,000 pounds of explosive or 3,000 pounds of blasting agent be stored in any one storage place.
- Idem (4) Where explosives and blasting agents are stored together, the lesser limit of storage shall apply.
- Suitable
storage (5) Explosives or blasting agents stored underground shall be kept in suitable containers or storage places in suitable locations.

(6) In no case shall explosives or blasting agents be stored in places where there is a possibility of a train or car colliding with the containers of the explosives or blasting agents. ^{Protection from trains, etc.}

(7) Where explosives or blasting agents in excess of what may be stored in approved underground storages are required for such operations as longhole blasts, etc., only such quantities as can be loaded in a twenty-four hour period shall be kept underground at any time for such blast. ^{Idem}

(8) Any explosives or blasting agents not loaded at the end of a shift shall be stored in accordance with this section or be adequately guarded. R.S.O. 1960, c. 241, s. 220, *amended*. ^{Idem}

221. No explosive or blasting agent shall be stored within 200 feet of a shaft station or transformer station underground. R.S.O. 1960, c. 241, s. 221, *amended*. ^{Location of storage}

222.—(1) Detonators or blasting caps or igniter cord shall not be stored in the same receptacle or storage building as other explosives or blasting agents. ^{Storage of detonators}

(2) Detonators or blasting caps or capped fuses or igniter cord, while stored in underground workings, shall be kept in separate, suitable, closed containers or storage places. ^{Separate containers}

(3) Such containers or storage places shall not be located within twenty-five feet of any other explosives or blasting agents. R.S.O. 1960, c. 241, s. 222, *amended*. ^{Idem}

223.—(1) No flame-type light shall be taken within twenty-five feet of any building or place on surface in which explosives or blasting agents are stored. ^{Open-flame lamps}

(2) No flame-type light shall be taken within ten feet of any place underground where explosives or blasting agents are stored unless a suitable, safe arrangement for the placing of such light is provided. ^{Idem}

(3) No person shall smoke in any place or building where explosives or blasting agents are stored or while handling explosives or blasting agents. R.S.O. 1960, c. 241, s. 223, *amended*. ^{Smoking}

224.—(1) A properly authorized person or persons shall make a thorough weekly inspection of all explosives or blasting agents, explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine used for the purpose of storing explosives or blasting ^{Inspection of storage places}

agents or detonators or blasting caps and shall make a report in writing to the manager stating that such inspection has been made and certifying as to the conditions found.

Unsuitable
conditions
rectified

(2) The manager shall take immediate steps to correct any unsuitable conditions found and to properly dispose of any deteriorated explosives or blasting agents.

Careless
acts

(3) The manager shall make a prompt investigation when an act of careless placing or handling of explosives or blasting agents is discovered by or reported to him.

Report of
carelessness
to engineer

(4) Any employee who commits a careless act with an explosive or blasting agent or where explosives or blasting agents are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine, is guilty of an offence against this Act, and the officer in charge of the mine shall immediately report such offence to the engineer or to the Crown attorney of the county or district in which the mine is situate. R.S.O. 1960, c. 241, s. 224, *amended*.

Disposal of
explosives at
shut-down
mine

225. When a mine is closed down, all explosives or blasting agents, fuse, detonators and blasting caps shall be disposed of and no explosive or blasting agent shall be stored at any such closed-down mine without the written permission of the chief engineer. R.S.O. 1960, c. 241, s. 225, *amended*.

Written
permission

226. No person shall take away from a mine any explosive or blasting agent, fuse or detonator or blasting cap without the written permission of the manager or of such person as is authorized by the manager to give such permission. R.S.O. 1960, c. 241, s. 226, *amended*.

Thaw
houses

227.—(1) No building for thawing explosives shall be maintained in connection with a mine except with the written permission of an engineer.

Approval
of building

(2) The building shall be above ground, and the site of the building and the style of the structure and equipment shall be subject to the approval of an engineer.

Quantity
stored

(3) The quantity of explosive kept in a thaw house at any time shall not exceed the requirements of the mine for a period of twenty-four hours plus the amount that may be necessary to maintain that supply, but an engineer may give permission in writing to store a quantity not in excess of the permitted capacity of the building if, in his opinion, the heating equipment is such that the temperature can be controlled within approved safe limits.

(4) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof kept, but, where the amount of explosives in such thawing room does not exceed 200 pounds at any one time, an engineer may give permission in writing to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperatures be made and kept on file for at least one year. ^{Thermometer in thaw house}

(5) All such records shall be made available to an engineer. *Idem*
R.S.O. 1960, c. 241, s. 227.

228. In no case shall explosives be thawed near an open fire or steam boiler or by direct contact with steam or hot water. ^{Prohibition}
R.S.O. 1960, c. 241, s. 228, *amended*.

229.—(1) This section applies only on mining properties and only on surface. ^{Transportation of explosives and blasting agents on surface}

(2) Every motor vehicle used for carrying explosives or blasting agents shall be maintained in sound mechanical condition in all respects. *Idem*

(3) Every such motor vehicle shall be conspicuously marked by suitable signs or red flags easily visible from front and rear. *Idem*

(4) The metal parts of every such vehicle that may come in contact with containers of explosives or blasting agents shall be suitably covered with wood, tarpaulin or other suitable material. *Idem*

(5) No other goods or materials shall be carried in or on any vehicle in which explosives or blasting agents are being carried. *Idem*

(6) Every motor vehicle transporting more than 150 pounds of explosives or blasting agents shall be equipped with a fire extinguisher in working order, of adequate size and capable of dealing with a gasoline or oil fire. *Idem*

(7) No motor vehicle shall be loaded with more than 80 per cent of its carrying capacity when carrying explosives or more than 100 per cent of its carrying capacity when carrying blasting agents. *Idem*

(8) Explosives or blasting agents carried on vehicles shall be so secured or fastened as to prevent any part of the load from becoming dislodged. *Idem*

Idem (9) Detonators shall not be carried in the same vehicle as other explosives or blasting agents except in a suitable container in a separated compartment, and in such case the number shall not exceed 1,000 detonators.

Idem (10) A vehicle carrying explosives or blasting agents shall not be left unattended.

Idem (11) Only those persons necessary for the handling of explosives or blasting agents shall travel on a vehicle that is carrying explosives or blasting agents.

Idem (12) There shall be no smoking by persons on a vehicle that is transporting explosives or blasting agents. R.S.O. 1960, c. 241, s. 229, *amended*.

Transportation of explosives or blasting agents in shaft 230.—(1) When the day's supply of explosives or blasting agents is being transported in a shaft conveyance, the person in charge of such operation shall give or cause to be given notice of the same to the deckman and hoistman.

Authorization to handle (2) No person shall,

(a) place in;

(b) have while in; or

(c) take out of,

the shaft conveyance any explosives or blasting agents except under the immediate supervision of a person authorized for the purpose by the manager, superintendent, foreman or shift boss.

No other material in conveyance (3) No other material shall be transported with explosives or blasting agents in a shaft conveyance. R.S.O. 1960, c. 241, s. 230, *amended*.

Transfer of explosives or blasting agents from storage places 231.—(1) The transfer of explosives or blasting agents from the magazine or other surface storage place shall be so arranged that no undue delay shall occur between the time the explosives or blasting agents leave the surface storage place and the time they are properly stored in designated storage places in the mine or distributed to points of use in the mine.

Transfer without undue delay (2) Explosives or blasting agents shall not be left at a level station or near the shaft collar or other entrance to the mine but shall be transferred from a designated storage place to other designated storage places or points of use without undue delay. R.S.O. 1960, c. 241, s. 231, *amended*.

232.—(1) Primers shall be made up as near to their point of use as is practicable in the interests of safety and only in sufficient numbers for the immediate work in hand. ^{Transportation of detonators}

(2) Detonators or blasting caps, capped fuses, made-up primers, igniter cord or other explosives or blasting agents shall not be transported in a conveyance either on surface or underground unless placed in separate, suitable, closed containers. ^{Suitable containers}

(3) A workman may carry capped fuses with other explosives or blasting agents from the nearest storage places to a point of use without placing them in a container, if they are kept separate from the other explosives or blasting agents. ^{Kept separate from other explosives or blasting agents}

(4) In no case shall made-up primers be transported or carried unless placed in separate, suitable, closed containers. ^{Made-up primers}
R.S.O. 1960, c. 241, s. 232, *amended*.

233.—(1) Where explosives or blasting agents are transported in mine workings by means of mechanical haulage, including trackless equipment, the speed of the vehicle shall not exceed 4 miles an hour and definite arrangements for the right of way of the vehicle carrying explosives or blasting agents shall be made before the vehicle is moved. ^{Transportation underground}

(2) Where mechanical track haulage is used, the locomotive shall be maintained on the forward end of the train carrying explosives or blasting agents unless some person walks in advance of the train to effectively guard it. ^{Idem}

(3) In track haulage, the car or cars carrying explosives or blasting agents shall be separated from the locomotive by an empty car or spacer of equivalent length, but in no case shall explosives or blasting agents be carried on the locomotive. ^{Idem}

(4) Where a trolley locomotive is used for the haulage of explosives or blasting agents in a mine, the car or cars carrying explosives or blasting agents shall be protected from trolley-wire contact and other existing hazards. ^{Trolley-locomotive haulage}

(5) Where trackless equipment is used for the transportation of explosives or blasting agents underground, the requirements of section 229 apply. R.S.O. 1960, c. 241, s. 233, *amended*. ^{Trackless equipment used}

234. Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to an engineer, who shall decide upon the time at which blasting operations thereon may be performed, ^{Blasting on contiguous claims}

and his decision is final and conclusive and shall be observed by them in future blasting operations. R.S.O. 1960, c. 241, s. 234.

Explosives not to be removed from original container 235. No explosive shall be removed from its original paper container or cartridge. R.S.O. 1960, c. 241, s. 235.

Blasting of roast heaps 236. No explosive shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge. R.S.O. 1960, c. 241, s. 236.

Size of drill holes 237. All drill holes shall be of sufficient size to admit of the free insertion to the bottom of the hole of a cartridge of explosive. R.S.O. 1960, c. 241, s. 237, *amended*.

No iron or steel tool 238. In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives. R.S.O. 1960, c. 241, s. 238.

Procedure before drilling 239.—(1) Before drilling is commenced in a working place, the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms.

Bootleg holes (2) No drilling shall be done within six inches of any hole that has been charged and blasted or any remnant of such hole. R.S.O. 1960, c. 241, s. 239 (1, 2).

Hole containing explosives, etc. (3) No drilling shall be done within five feet of any hole containing explosives or blasting agents. R.S.O. 1960, c. 241, s. 239 (3), *amended*.

Precautions when loading (4) Drilling or undercutting and charging operations underground shall not be carried on simultaneously on the same face above or below each other or within twenty-five feet horizontal distance. *New*.

Due warning required 240.—(1) Every workman shall, before blasting, give or cause to be given due warning in every direction by shouting "Fire" and shall satisfy himself that all persons have left the working place or the vicinity except those required to assist him in blasting and guarding.

In pits and quarries (2) In open pits or quarries where the extent of the operation or the exposure of persons renders the warning required under subsection 1 ineffective, due warning shall be given of a primary blast by siren or its equivalent in an approved manner, in addition to guarding as required by section 241. R.S.O. 1960, c. 241, s. 240.

241.—(1) Every workman shall, before blasting, cause all entrances or approaches to the place or places where the blasting is to be done, or where the safety of persons may be endangered by the blasting, to be effectively guarded so as to prevent inadvertent access to such place or places while the charges are being blasted. Guarding entrances where blasting is done

(2) Subject to permission having been obtained, when required, from the appropriate authority, where it is necessary to stop traffic on a public road during a blasting operation, an adequate number of flagmen equipped with suitable red flags shall be posted and signs, such as "DANGER", "BLASTING" or "STOP FOR FLAGMAN", shall be posted along the road at suitable locations to warn traffic approaching the flagman guarding the area. Guarding roads

(3) Posting of signs shall not be deemed to be adequate protection to warn of blasting operations. R.S.O. 1960, c. 241, s. 241. Signs not adequate

242. Where possible, no connection between mine workings shall be made until a thorough examination of the working towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner, and such point of connection shall be guarded as an entry when blasting within twice the length of the longest drill steel used or a minimum of fifteen feet of breaking through. R.S.O. 1960, c. 241, s. 242. Breaking through to mine workings

243. Except where fired electrically, no fuse shorter than three feet shall be used in any blasting operation, nor shall any fuse be lighted at a point closer than three feet from the capped end. R.S.O. 1960, c. 241, s. 243. Length of fuse

244.—(1) Where safety fuse has been used in connection with a blast and where two or more shots are fired, no blaster or other person shall leave or be permitted to leave his place of refuge from the blast and return to the scene of the blast within the number of minutes that are equal to twice the number of feet in the longest fuse used in the blasting operation. Interval before return to scene of blast

(2) Such time shall be calculated from the time when the last shot is heard. Idem

(3) Where the firing has been done by means of electric delay-action detonators and any shot has been heard, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of any blast within ten minutes of the time at which the blasting circuit is closed. Firing done electrically

- Idem (4) Except when no shot is heard and a faulty circuit is indicated, the circuit may be repaired immediately after the blaster has assured himself that the blasting switch is locked in the open position and the lead wires are short-circuited.
- Misfire or missed hole (5) In the case of a supposed misfire or missed hole in a blasting operation, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of the blast within thirty minutes of the time he has reached his place of refuge after the lighting of the fuse or fuses or the closing of the blasting circuit. R.S.O. 1960, c. 241, s. 244.
- Detonator required 245. No hole shall be charged with explosives or blasting agents unless a properly-prepared detonating agent is placed in the charge and shall be fired in its proper sequence in the firing of the round. R.S.O. 1960, c. 241, s. 245, *amended*.
- Firing required 246.—(1) All holes that are charged with explosives or blasting agents in one loading operation shall be fired in one blasting operation.
- Idem (2) Any hole that has been charged with explosives or blasting agents, or any explosive charge that has been set, shall not be left unfired but shall be fired at the time for blasting required by the approved practice of the mine. R.S.O. 1960, c. 241, s. 246, *amended*.
- Safety fuse 247. Where safety fuse is used in a blasting operation,
- (a) suitably capped fuses shall be supplied to the workmen in standard, uniform and safe lengths for the operation at hand;
 - (b) the uncapped ends of all fuses for use in a mine shall be suitably identified. R.S.O. 1960, c. 241, s. 247.
- Lighting fuses 248.—(1) In every case where more than one charge is to be fired, each fuse connected to a charge of explosives or blasting agents shall be lighted with a suitably-timed spitting device. R.S.O. 1960, c. 241, s. 248 (1), *amended*.
- Number of men, lights (2) Where more than one charge is to be fired, no workman shall be permitted to conduct any blasting operation unless he is accompanied by one or more other workmen.
- Idem (3) Each workman shall carry a light unless the blasting operation is conducted on surface in daylight or under artificial light. R.S.O. 1960, c. 241, s. 248 (2, 3).

249. Before returning to the scene of a blasting operation, every workman shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation. Ventilation of working places after blasting
R.S.O. 1960, c. 241, s. 249.

250.—(1) Where blasting is done in a raise or stope, proper precautions shall be taken to prevent closing of the means of entrance to the working place or interference with the effective circulation of air following the blast by the broken material produced by the blast. Protection of entrance to working place

(2) In the case of a single-compartment raise or box-hole where material from the blast may block the means of entrance, proper precautions shall be taken to ensure the adequate ventilation of the working place before workmen enter it. Idem
R.S.O. 1960, c. 241, s. 250.

251.—(1) When a workman fires any charges, he shall, where possible, count the number of shots. Reporting of missed holes

(2) If a shot is missing, he shall report it to the mine captain or shift boss. Idem

(3) If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of workmen going into that working place before work is commenced by them. Idem
R.S.O. 1960, c. 241, s. 251 (1-3).

(4) Any charge of explosives that has missed fire shall not be withdrawn but shall be blasted at a proper time and without undue delay. Missed hole to be blasted
R.S.O. 1960, c. 241, s. 251 (4), *amended*.

(5) Any charge of blasting agent that has missed fire may be washed out of the hole. Idem *New*.

(6) No development heading shall be abandoned or work therein discontinued until the material broken at the firing of the last round has been cleared from the face and the whole face of the heading examined for explosives or blasting agents in missed or cut-off holes. Examination of missed or cut-off hole
R.S.O. 1960, c. 241, s. 251 (5), *amended*.

252.—(1) After the first ten feet of advance has been made in a shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting Where electric blasting required

is being done, all blasting in the shaft, winze, station or other workings being driven therefrom shall be done by means of an electric current.

In raises
over 50°

(2) In any raise, inclined at over 50 degrees from the horizontal, after twenty-five feet of advance has been made, or in any raise where free escape is not ensured at all times, all blasting shall be done by means of an electric current. R.S.O. 1960, c. 241, s. 252.

Electric
current to be
disconnected
after
blasting

253. Where blasting is done by electricity, a workman shall not enter or allow other persons to enter the place where the charges have been fired until he has disconnected and short-circuited the firing cables or wires from the blasting machine or portable direct-current battery or has assured himself that the switch of the approved blasting switch is open, the firing cables or wires short-circuited and the blasting box locked. R.S.O. 1960, c. 241, s. 253.

Approved
firing device

254. Unless permission in writing is first obtained from the chief engineer, with approval of the proposed arrangements necessary for special cases,

- (a) where electricity from lighting or power cables is used for firing charges, a fixed device of a design certified by the electrical engineer as meeting the requirements of section 546 shall be used;
- (b) one such device shall be maintained for each individual working place in which firing is done by means of electricity from lighting or power cables. R.S.O. 1960, c. 241, s. 254.

Blasting by
direct-
current or
blasting
machine

255. Where the source of current is a portable direct-current battery or a blasting machine, the firing cables or wires shall not be connected to the source of current until immediately before they are required for firing the charges and shall be disconnected immediately after the connection has been made or the machine operated for firing the charges. R.S.O. 1960, c. 241, s. 255.

Lead wires
short-
circuited

256.—(1) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are being connected to each other and to the firing cables.

Idem

(2) The short-circuit shall not be removed until the men have retreated from the face and it shall be so located that a premature explosion would be harmless to the men opening the short-circuit.

(3) The short-circuit shall be replaced immediately after ~~idem~~ the cables have been disconnected from the blasting machine or the blasting switch has been opened. R.S.O. 1960, c. 241, s. 256.

257.—(1) The firing cables or wires used for firing charges ^{Firing cables} at one working place shall not be used for firing charges in another working place until all proper precautions have been taken to ensure that such firing cables or wires have no connection with the leads from the first working place.

(2) When firing cables or wires are used in the vicinity of ^{Precautions in using firing cables} power and lighting cables, the blaster shall take proper precautions to prevent the firing cables or wires from coming in contact with the lighting or power cables. R.S.O. 1960, c. 241, s. 257.

*Protection in Working Places, Shafts,
Winzes, Raises, etc.*

258. Neither on surface nor underground shall workmen ^{Protection from overhead operations} be employed in a location where men are working overhead unless such measures for protection are taken as the nature of the work permits. R.S.O. 1960, c. 241, s. 258.

259. A protective hat, manufactured for such service, ^{Protective hat} shall be worn by every person employed,

(a) underground in a mine;

(b) in a location in a pit or quarry designated by an engineer. R.S.O. 1960, c. 241, s. 259.

260. The top of every shaft shall be securely fenced or ^{Fencing of shafts and other openings} protected by a gate or guard rail, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected. R.S.O. 1960, c. 241, s. 260.

261.—(1) At all shaft and winze openings on the surface ^{Gate at shaft entrances} and on every level, unless securely closed off, the hoisting compartments shall be protected by a substantial gate, which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level.

(2) The clearance beneath any such gate shall be kept to a ~~idem~~ minimum.

(3) Where haulage tracks lead up to a hoisting compartment on surface or underground, the gate on such compartment shall be reinforced in such a manner that it is sufficiently strong to withstand any impact imparted thereto by collision therewith of any motor, train or car operated on such tracks. ^{Reinforcing of gate} R.S.O. 1960, c. 241, s. 261.

Shaft and
winze
timbering

262.—(1) Every shaft and winze shall be securely cased, lined or timbered, and during sinking operations the casing, lining or timbering shall be maintained within a safe distance of the bottom.

Idem

(2) In no instance shall such distance exceed fifty feet.

Strength of
guides, etc.

(3) The guides, guide attachments and shaft casing, lining or timbering shall be of sufficient strength and shall be suitably designed, installed and maintained so that the safety catches referred to in section 339 may grip the guides properly at any point in the shaft. R.S.O. 1960, c. 241, s. 262.

Protection
at shaft
stations

263. There shall be provided a safe passageway and standing room for workmen outside the shaft at all workings opening into the shaft, and the manway shall in all cases be directly connected with such openings. R.S.O. 1960, c. 241, s. 263.

Protection
in sinking
operations

264. During shaft-sinking operations, no work shall be done in any place in a shaft or winze while men are working in another part of the shaft or winze below such place unless the men working in the lower position are protected from the danger of falling material by a securely-constructed covering extending over a sufficient portion of the shaft to afford complete protection. R.S.O. 1960, c. 241, s. 264.

Open hooks
not to
be used

265. Open hooks shall not be used in conjunction with the suspension of any shaft staging. R.S.O. 1960, c. 241, s. 265.

Lining
compartment
at
levels

266.—(1) Except during sinking operations, if material is handled in a shaft or winze compartment, there shall be maintained around that compartment, except on the side on which material is to be loaded or unloaded, a substantial partition at the collar and at all levels.

Idem

(2) Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet and it shall conform to the size of the conveyance allowing for necessary clearances. R.S.O. 1960, c. 241, s. 266.

Counter-
weight
compartment

267. Wherever a counterweight is used in a shaft or winze, it shall be safely enclosed, unless it travels on guides. R.S.O. 1960, c. 241, s. 267.

Protection
on shaft
inspection

268.—(1) No person shall do any work or conduct any examination in a compartment of a shaft or winze or in that part of the headframe used in conjunction therewith while

hoisting operations, other than those necessary for doing such work or conducting such examination, are in progress in such compartment.

(2) No person shall do any work or conduct any examination in a shaft or winze or in that part of a headframe used in conjunction therewith unless he is adequately protected from accidental contact with any moving hoisting conveyance or the danger of falling objects accidentally dislodged. R.S.O. 1960, c. 241, s. 268.

269. Where the enclosing rocks are not safe, every adit, tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure. R.S.O. 1960, c. 241, s. 269. Timbering
mine
workings

270. Where a bucket is used in a shaft or winze for other than sinking purposes, Use of
shaft
buckets

- (a) a set of doors as required by subsection 3 of section 311 shall be required at the collar and every point of service of the shaft or winze;
- (b) a suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level;
- (c) simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels have been submitted to and have received the approval of an engineer. R.S.O. 1960, c. 241, s. 270.

271.—(1) Except where approved raising equipment is used, all raises inclined at over 50 degrees that are to be driven more than sixty feet slope distance shall be divided into at least two compartments, one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. R.S.O. 1960, c. 241, s. 271 (1), *amended*. Steeply-
inclined
raises

(2) The timbering shall be maintained within a safe distance of the face and in no event shall the distance between the face and the top of the timbering exceed twenty-five feet. R.S.O. 1960, c. 241, s. 271 (2). Idem

272.—(1) Whenever, at any time, chutes are pulled where persons are working or may enter at the time of pulling, the pulling area shall be marked by signs or the persons working Precautions
as to
broken
material

in the vicinity shall be notified and, as pulling proceeds, proper precautions shall be taken to ascertain that the broken material is settling freely.

Idem

(2) When there is any indication of a hang-up, the location shall be adequately protected by suitable signs or barricades. R.S.O. 1960, c. 241, s. 272.

Access to
stopes

273. Unless the entrance to a stope is capable of being used as such at all times, a second means of entrance shall be provided and maintained. R.S.O. 1960, c. 241, s. 273.

Guarding
mill holes,
manways,
etc.

274. The top of every mill hole, manway or other opening shall be kept covered or otherwise adequately protected. R.S.O. 1960, c. 241, s. 274.

Guarding
open
workings

275. Wherever men are working below a level in a place the top of which is open to the level in close proximity to a haulageway or travelway, some person shall effectively guard the opening unless it is securely covered over or otherwise closed off from the haulageway or travelway. R.S.O. 1960, c. 241, s. 275.

Guarding
tops of raises

276. The tops of all raises or other openings to a level shall be kept securely covered, fenced off or protected by suitable barricades to prevent inadvertent access thereto. R.S.O. 1960, c. 241, s. 276.

Care of
utility
hoists

277. Utility hoists and attached equipment used for the raising and lowering of material shall be maintained in a safe working condition. R.S.O. 1960, c. 241, s. 277.

Scaling bars
and gads

278. The owner or manager shall provide and maintain an adequate supply of properly-dressed scaling bars and gads and other equipment necessary for scaling. R.S.O. 1960, c. 241, s. 278.

Life lines
to be used

279. The owner or manager shall, when necessary, provide life lines for the workmen, and it is the duty of the workmen to wear such life lines at all times, when by so doing the interests of safety will be advanced. R.S.O. 1960, c. 241, s. 279.

Keeping
water supply
to lay dust

280.—(1) Every place in a mine, where drilling, blasting or other operations produce dust in dangerous quantities, shall be adequately supplied at all times with clean water under pressure or other approved appliance for laying, removing or controlling dust.

Approved
water
blast

(2) A development heading, such as a drift, cross-cut, raise or sub-drift, shall be furnished with an approved water blast

which shall discharge within an effective distance of the face being advanced and shall be applied so as to wet the area for at least fifteen minutes after blasting, and, if such area is not thoroughly wetted prior to the entry of any person, it shall be wetted down as soon as possible.

(3) Every multiple compartment raise, or sub-drift from such raise being driven over twenty-five feet in length from through-ventilation, or stopes with one entry, shall be provided with a separate air pipe independent of the air supply to any machine or drills used therein, and such air supply shall be controlled outside or at the beginning of the heading and the air shall be turned on by the blaster after he has detonated any blast in the heading. R.S.O. 1960, c. 241, s. 280, *amended*. ^{Auxiliary air supply}

281. The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke. R.S.O. 1960, c. 241, s. 281. ^{Time for blasting}

282.—(1) Where there is non-continuous shift operation in mine areas, the on-coming shift shall be warned of any abnormal condition affecting the safety of operations. ^{Written record}

(2) Such warning shall consist of a written record over the signature of a responsible person on the off-going shift and shall be read and countersigned by the corresponding responsible person on the on-coming shift before workmen are permitted to resume operations in the areas indicated in such record. R.S.O. 1960, c. 241, s. 282. ^{Idem}

283. At every mine where persons are employed underground, a suitable system shall be established and maintained to check in persons who have gone underground and check out persons who have returned to surface, and it is the duty of such persons to check in and check out in accordance with such system. R.S.O. 1960, c. 241, s. 283. ^{Check-in, check-out systems}

284. Where repair work is in progress in a manway or conditions arise that may endanger travel through the manway, it shall be closed off or adequate signs designating its unfitness for travel purposes shall be posted at all entrances to it. R.S.O. 1960, c. 241, s. 284. ^{Signs designating repair work}

285.—(1) Diamond-drill holes shall be plotted on all working plans of levels. ^{Diamond-drill holes}

(2) When an active mine heading is advancing toward a diamond-drill hole, the collar or the nearest points of intersection of the hole or both shall be securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of the hole. ^{Guarded while blasting near}

Marked

(3) The collar and any points of intersection of every diamond-drill hole shall be plainly marked at the time that drilling is discontinued or an intersection made.

Idem,
with letter
"H"

(4) Such markings shall consist of a single capital letter "H" in yellow paint measuring twelve inches by twelve inches, which shall be placed within four feet of the collar or intersection. R.S.O. 1960, c. 241, s. 285.

Tailings
used
for fill

286. Where tailings are used for filling worked-out areas underground, the moisture contained in the tailings and the liquid draining off therefrom shall not have a higher cyanide content than .005% expressed as cyanide of potassium. R.S.O. 1960, c. 241, s. 286.

*Examination of Mine Workings
and Shaft Inspection*

Examination
of mine
workings

287. The owner or manager of a mine or some authorized person or persons shall examine daily all parts where drilling and blasting are being carried on, shall examine at least once a week the other parts in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, cross-cuts and raises, in order to ascertain that they are in a safe working condition and shall inspect and scale or cause to be inspected and scaled the roofs and walls of all stopes or other working places as often as the nature of the ground and of the work performed necessitates. R.S.O. 1960, c. 241, s. 287.

Shaft
inspection

288.—(1) The owner or manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it is to make an inspection of the shaft at least once each week, and in addition a thorough examination shall be made at least once each month of the guides, timber, walls and hoisting compartments generally of the shaft, and a record of such inspection and examination shall be made in the Shaft Inspection Record Book by the person making the examination.

Shaft
Inspection
Record
Book

(2) Such owner or manager shall keep or cause to be kept at the mine a book for each shaft termed the Shaft Inspection Record Book in which shall be recorded a report of every such examination, as is referred to in this section, signed by the persons making the examination.

Entries
to be
initialled

(3) Such entries of examinations shall be read and initialled every week by the person in charge of the maintenance of the shaft.

(4) A notation shall be made of any dangerous condition reported and the action taken regarding it over the signature of the person in charge of the maintenance of the shaft. Dangerous conditions noted

(5) The Shaft Inspection Record Book shall be made available to an engineer at all times. R.S.O. 1960, c. 241, s. 288. Available to engineer

Ladderways and Ladders

289.—(1) A suitable footway or ladderway shall be provided in every shaft and winze. Ladderways in shafts and winzes

(2) In shafts and winzes, no ladder, except an auxiliary ladder used in sinking operations, shall be installed in a vertical position. Not in vertical position

(3) During sinking operations, if a ladder is not maintained to the bottom, an auxiliary ladder that will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which men are working. Sinking operations

(4) Wherever, about shafts and winzes and headframes used in conjunction therewith, it is necessary for persons to examine or inspect appliances installed therein, suitable ladderways or stairways and platforms shall be maintained to permit such work to be carried out in a safe manner. R.S.O. 1960, c. 241, s. 289. Headframes

290. The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material, conveyance or counterweight is hoisted by a suitable and tightly-closed partition in the location required by section 266, and similarly in the remaining shaft sections, or by metal of suitable weight and mesh. R.S.O. 1960, c. 241, s. 290. Partition between manway and hoisting compartments

291.—(1) In a shaft or winze inclined at over 70 degrees from the horizontal or in a headframe used in conjunction with the shaft or winze, substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered, except for an opening large enough to permit the passage of a man's body, and the ladders shall be so placed as to cover this opening in the platform. Ladderway in shaft, over 70°

(2) In a shaft or winze inclined at less than 70 degrees from the horizontal or in a headframe used in conjunction with the shaft or winze, the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered, except under 70°

for an opening large enough to permit the passage of a man's body. R.S.O. 1960, c. 241, s. 291.

When
stairway
permissible

292.—(1) Stairways may be used in a shaft or winze inclined at less than 50 degrees from the horizontal.

Hand-rail

(2) All stairways in shafts and winzes shall be equipped with a suitably-placed hand-rail. R.S.O. 1960, c. 241, s. 292.

Ladderways,
other mine
workings

293.—(1) All ladderways in raises, stopes and other manways shall be installed and maintained in a workmanlike manner to reduce to a minimum the hazard of a man falling therefrom. R.S.O. 1960, c. 241, s. 293 (1).

Landing
platforms

(2) In manways inclined at 70 degrees and over, landing platforms shall be installed at intervals not exceeding twenty-one feet in the ladderway and the ladders shall be off-set at the platforms.

Idem

(3) In manways inclined at under 70 degrees and over 50 degrees, landing platforms shall be installed at intervals not exceeding twenty-one feet in the ladderway and the ladders may be continuous.

Idem

(4) In manways inclined at 50 degrees and under, the ladders may be continuous and no platforms are required except at points of off-set. R.S.O. 1960, c. 241, s. 293 (2), *amended*.

Wire rope
ladders

294. Wire rope or strands of wire rope shall not be used or be allowed to be used for climbing purposes if they are frayed or have projecting broken wires. R.S.O. 1960, c. 241, s. 294.

Hand-rails
for ladders

295. Every ladder shall project at least three feet above its platform, except where strong hand-rails are provided. R.S.O. 1960, c. 241, s. 295.

Ladders

296.—(1) Every ladder shall be of strong construction, shall be securely placed and shall be maintained in good repair.

Distance,
between
rungs

(2) The distance between centres of rungs of ladders shall not be greater than twelve inches nor less than ten inches, and the spacing of rungs shall not vary more than one-half inch in any ladderway.

from wall

(3) In order to give a proper foothold, the rungs shall in no case be closer than four inches from the wall of a shaft, winze or raise or any timber underneath the ladder. R.S.O. 1960, c. 241, s. 296.

Haulage

297.—(1) Every locomotive, engine, trolley or motor vehicle used above or below ground shall be equipped with a suitable audible signal that shall be maintained in proper working condition. ^{Warning equipment}

(2) Except when used in adequately lighted buildings or areas, every locomotive, engine, trolley or motor vehicle used above or below ground shall be equipped with a headlight or headlights that shall be maintained in proper working condition, and motor vehicles used for trackless haulage shall be equipped with a suitable tail-light or tail-lights that shall be maintained in proper working condition. ^{Headlight and tail-light}

(3) Every self-propelled unit of trackless haulage equipment used below ground shall be equipped with suitable lights or reflectors that show in the direction of travel the width of the vehicle. ^{Lights to show width of vehicle} R.S.O. 1960, c. 241, s. 297.

298. Control levers of storage battery and trolley locomotives shall be so arranged that the lever cannot accidentally be removed when the power is on. ^{Control levers} R.S.O. 1960, c. 241, s. 298.

299.—(1) The audible signal on a locomotive, engine, trolley or motor vehicle when used underground or in an enclosed building shall be sounded when the vehicle starts to move and at such other times as warning of danger is required. ^{Warning equipment to be used}

(2) In mechanical haulage underground, a suitable tail-light shall be used in conjunction with made-up trains. ^{Tail-lights on trains}

(3) The locomotive operating platform shall be provided with a suitable seat and an adequate guard for the protection of the motorman. ^{Guard to protect motorman} R.S.O. 1960, c. 241, s. 299.

300.—(1) In mechanical haulage in any level, drift or tunnel in or about a mine, no unauthorized person shall ride on any vehicle. ^{Riding on vehicles prohibited}

(2) Special trips for persons only shall be made on approved vehicles. ^{Idem} R.S.O. 1960, c. 241, s. 300.

301.—(1) On every level on which mechanical track haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the level and the cars or locomotive, or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every 100 feet. ^{Clearance and safety stations}

(2) Such safety stations shall be plainly marked. ^{Idem, marking}

Clearance
for
trackless
haulage

(3) On every level on which mechanical trackless haulage equipment is employed, a minimum total clearance of five feet shall be maintained between the sides of the haulageway or workings and the mechanical equipment.

Idem,
plus
pedestrian
travel

(4) On every level regularly used both for pedestrian traffic and trackless haulage where there is a total minimum clearance of less than seven feet, safety stations shall be cut at intervals not exceeding 100 feet and they shall be plainly marked.

Travelways
clear of
obstructions

(5) All regular travelways shall be maintained clear of debris or obstructions that are likely to interfere with safe travel. R.S.O. 1960, c. 241, s. 301.

Unattended
locomotive
or trackless
equipment

302. No haulage locomotive or trackless haulage equipment shall be left unattended unless the controls have been placed in the neutral position and the brakes have been set. R.S.O. 1960, c. 241, s. 302.

Shaft Hoisting Practice

Hoisting by
automatic
control

303.—(1) The hoisting of men or material in mine shafts by automatic control is subject to the approval of the chief engineer.

Idem

(2) Where a hoist is being operated by automatic control and no other means of hoisting men is provided, there shall be available a man qualified to operate the hoist manually when men are underground. R.S.O. 1960, c. 241, s. 303, *amended*.

Raising and
lowering
material

304.—(1) Where steel, timber or other material is being raised or lowered in a shaft conveyance, it shall be loaded in such a manner as to prevent it from shifting its position, and, if necessary, it shall be secured to the conveyance.

Long
material
properly
secured

(2) When such material projects above the sides of the conveyance, it shall be securely fastened to the conveyance or lashed to the hoisting rope in such a manner as not to damage the rope. R.S.O. 1960, c. 241, s. 304.

Compartment to be
lined where
crosshead
not used

305. Where a crosshead is not used in a vertical shaft or winze, the compartment in which the bucket works shall be closely lined with sized lumber. R.S.O. 1960, c. 241, s. 305.

Level of
load in
bucket
or skip

306. In the course of sinking a shaft or winze, the bucket or skip shall be filled only in such a manner that no piece of loose rock projects above the level of the brim. R.S.O. 1960, c. 241, s. 306.

307. In shaft-sinking operations, where the hoisting speed exceeds 1,000 feet per minute, men shall ride in the bucket above the bottom crosshead stop. R.S.O. 1960, c. 241, s. 307. Hoisting men in buckets

308.—(1) During sinking operations in a shaft or winze, the bucket or skip used for returning men to the working place following a blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination, and in no case shall the point be less than fifty feet above the blasting set or bulkhead. Lowering men after blast

(2) The bucket or skip shall be lowered from such point only on signal from the men accompanying it and at such speed as to be fully under control, by signal, of such men. Idem

(3) Only sufficient men shall be carried on such a trip as are required to properly conduct a careful examination of the shaft or winze. R.S.O. 1960, c. 241, s. 308. Idem

309. In the course of sinking a shaft or winze, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above and shall remain there until a separate signal to lower it has been given by a properly authorized person. R.S.O. 1960, c. 241, s. 309. Bucket or skip not to be lowered directly to face

310. No bucket shall be allowed to leave the top or bottom of a shaft or winze until the workman in charge of it has steadied it or caused it to be steadied. R.S.O. 1960, c. 241, s. 310. Bucket to be steadied

311.—(1) In the course of sinking a shaft or winze, adequate provision shall be made and maintained to ensure the impossibility of the bucket or skip being dumped while the dumping doors are open or other means applied to prevent spillage from falling into the shaft or winze. Protection from dumping

(2) The design of a device for this purpose shall be submitted for the approval of the mechanical engineer before such device is installed. Design to be approved

(3) A door or doors to cover the sinking compartments shall be maintained at the collar or other point of service of every shaft or winze while sinking is in progress. Door to cover sinking compartment

(4) Such door or doors shall be kept closed at all times that tools or material are being loaded into or unloaded from the bucket or skip at the collar or other point of service of every shaft or winze, except when the bucket or skip is unloaded by dumping arrangements as provided for in subsections 1 and 2. Door closed when loading bucket

Door closed
when men
loaded

(5) The door or doors shall be closed when men are loaded or unloaded, except where a safety crosshead fills the compartment at the collar or other point of service. R.S.O. 1960, c. 241, s. 311.

Cage for
handling
men

312. Except during sinking operations, whenever a mine shaft or winze exceeds 300 feet in vertical depth, a suitable cage or skip constructed as required by sections 338 and 339 shall be provided for lowering or raising men in the shaft or winze. R.S.O. 1960, c. 241, s. 312.

Cage doors
to be closed

313.—(1) No person shall travel or be permitted to travel in a cage at any time, except during shaft inspection, unless the doors of the cage are securely closed.

Idem

(2) The cage doors shall not be opened until a full stop has been made at the point or station signalled for, except during trips of inspection, but, in the case of an inadvertent stop at a point in the shaft or winze, other than a station, the cage doors may be opened and the men may leave the cage on instructions to do so by a properly authorized person. R.S.O. 1960, c. 241, s. 313.

Operation
of chairs

314.—(1) Where chairs are used for the purpose of landing a shaft conveyance at a point in a shaft or winze, except when hoisting in balance from that point, the chairs shall not be put into operation unless the proper chairing signal has been given to the hoistman.

Idem

(2) Chairs shall not be used when men are handled. R.S.O. 1960, c. 241, s. 314.

Hoisting
men and
material
simul-
taneously

315.—(1) No person shall travel or be permitted to travel in a bucket, cage or skip operated by a hoist that is being simultaneously used for the hoisting of mineral or material, except as provided for in clause *c* of section 316. R.S.O. 1960, c. 241, s. 315 (1).

Men only
in approved
conveyances

(2) No person shall be hoisted or lowered, or permit himself to be hoisted or lowered, in a shaft or other underground opening except in an approved raise climber, or a scaling platform, or in an approved hoisting conveyance as provided for in section 316, but this prohibition does not apply where men are raised or lowered by hand by suitable means as in construction, maintenance or repair work. R.S.O. 1960, c. 241, s. 315 (2), *amended*.

When
persons not
to be
hoisted

316. No person shall be lowered or hoisted or allow himself to be lowered or hoisted in a shaft, winze or other underground opening,

- (a) in a bucket or skip, except that men employed in shaft sinking may ascend and descend to and from the sinking deck or other place of safety and the men employed in shaft inspection and maintenance may be hoisted and lowered in the shaft by means of such conveyance;
- (b) in a cage or skip that does not meet the requirements of sections 339 and 341, except as provided for in clause *a* of this section or section 340;
- (c) in a cage, skip or bucket that is loaded with powder, steel, timber or other material or equipment, except when the presence of such person is necessary for the purpose of handling such material;
- (d) in a cage, skip or bucket carrying powder, steel, equipment or material, unless the same is adequately secured, but nothing in this clause prohibits men from carrying personal hand tools or equipment approved by the district engineer in a conveyance if such tools or equipment are properly protected with guards and the conveyance is not overcrowded;
- (e) except during shaft-sinking operations or shaft inspection and maintenance operations, in any shaft conveyance, unless the shaft conveyance is in charge of a person properly authorized to act as cagetender or skiptender. R.S.O. 1960, c. 241, s. 316.

317. Except in the course of sinking a shaft, no person shall enter or be allowed to enter a shaft conveyance, or work upon or under a shaft conveyance, when the corresponding drum of the hoist is unclutched, unless the conveyance is first secured in position by chairing or blocking. R.S.O. 1960, c. 241, s. 317.

318.—(1) In this section,

Interpre-
tation

- (a) "authorized maximum load of men" means the total weight of men permitted by the district engineer to ride at any time in the shaft conveyance;
- (b) "maximum allowable weight" means the maximum weight permitted by this Act to be attached to the rope in service or the maximum weight attached to the rope that the hoist is capable of handling, whichever is the lesser.

Weight
specified by
manu-
facturer

(2) The weight that a hoist is capable of handling shall be that set out in the manufacturer's specifications or approved by an independent competent mine hoist design engineer.

Certificate
re maximum
loads

(3) In case a hoisting rope is used for the raising and lowering of both men and materials, the weight attached to the rope in the former case, when the bucket, cage or skip is bearing its authorized maximum load of men, shall not exceed 85 per cent of the maximum allowable weight when the rope is in use for other purposes, and the owner or manager shall obtain from the district engineer resident in the district a certificate in writing setting out the maximum loads of both men and materials that may be carried in the shaft conveyance before men are so carried. R.S.O. 1960, c. 241, s. 318 (1-3).

Friction
hoists

(4) For friction hoists, the conveyance man-load shall be determined as follows: 0.85 (maximum material load plus the weight of the conveyance) minus the weight of the conveyance. *New.*

When
certificate
issued

(5) The district engineer may issue the certificate referred to in subsection 3 if he is satisfied that the hoisting installation and signalling equipment meet the requirements of this Act. R.S.O. 1960, c. 241, s. 318 (4).

Certificate
re friction
hoists

(6) A certificate stating the maximum allowable suspended load and the maximum allowable unbalanced load rating shall be obtained from the manufacturer for friction hoists.

Determina-
tion of
maximum
material
load

(7) The maximum material-load allowed on the conveyance of a friction hoist shall be determined from the lesser of the following calculations:

1. Maximum allowable suspended load on the hoist, less the weight of the hoisting ropes, less the weight of tail ropes, less the weight of the conveyances and the attachments.
2. The breaking strength of the rope, divided by the required factor of safety, minus the maximum weight of rope suspended in one compartment, minus the weight of the conveyance and attachments in that compartment; and, where multiple ropes are used, the lowest breaking strength of any rope shall be used for all ropes in load calculations.
3. The unbalanced load on the hoist as rated by the manufacturer, which shall not be exceeded.

4. The maximum allowable load on any conveyance, which shall not be greater than that for which the conveyance was rated by the manufacturer. *New.*

Conveyance Notices and Discipline

319.—(1) A notice showing clearly the number of persons ^{Notice to be posted} allowed to ride on and the weight of materials allowed to be loaded on the conveyance, as referred to in subsection 3 of section 318, shall be posted and maintained at the collar of the shaft or winze.

(2) The person authorized to give signals is responsible for ^{Responsi-} observance of such notice. R.S.O. 1960, c. 241, s. 319.

320.—(1) When persons are being hoisted or lowered in a ^{Open lights, discipline} cage or skip, no person, other than the cagetender or skip-tender, shall have a burning open-flame lamp of any kind, except that, for shaft inspection or similar purposes, a sufficient number of lighted lamps shall be permitted.

(2) At all times that men are being hoisted or lowered in ^{Discipline maintained} a cage or skip, there shall be maintained a proper discipline of persons riding on that cage or skip.

(3) No person shall offer obstruction to the enforcement of ^{Observance of notice} the requirements of loading of conveyances under subsection 1 of section 319 or this section. R.S.O. 1960, c. 241, s. 320.

Signals

321. Every working shaft shall be provided with a suitable ^{Signal system} means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck. R.S.O. 1960, c. 241, s. 321.

322. A separate, audible signal system shall be installed ^{Separate signal for each compartment} for the control of each hoisting conveyance operated from a single hoist, and there shall be a sufficient difference in the signals to the hoistman that they are easily distinguishable. R.S.O. 1960, c. 241, s. 322.

323. Where an electrical signal system is installed, the ^{Return signal} hoistman shall return the signal to the person giving the signal when men are about to be hoisted or lowered. R.S.O. 1960, c. 241, s. 323.

324. No device for signalling to or communicating with ^{Special devices, permission for} the hoistman shall be installed or operated in or on any shaft conveyance without the written permission of the chief engineer. R.S.O. 1960, c. 241, s. 324.

Cage call
system

325. No cage call system communicating with the hoist-room shall be installed or used at a shaft or winze. R.S.O. 1960, c. 241, s. 325.

Code of
signals

326.—(1) The following code of signals shall be used at every mine and a copy of such code shall be printed and kept posted in every hoist room and at every level or other recognized landing place in every working shaft or winze:

1 bell. . . . Stop immediately—if in motion (Executive Signal).

1 bell. . . . Hoist (Executive Signal).

2 bells. . . . Lower (Executive Signal).

3 bells. . . . Men travelling in hoisting conveyance (Cautionary Signal). This signal shall be given by the conveyance tender at all levels before any person, including the conveyance tender, is permitted to enter or leave the conveyance. Where a stop exceeds one minute, the 3-bell signal shall precede the next destination signal. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before any person is permitted to enter or leave the conveyance.

4 bells. . . . Blasting Signal. The hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal, only a 1-bell signal shall be required to signal for hoisting men away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.

5 bells. . . . Release Signal. The hoistman may act at his own discretion to perform any movement, or series of movements, involving the conveyance or conveyances designated by the destination signals referred to in section 327. Where a return-signal system is installed, the hoistman shall return the signals and may then act at his own discretion. On the completion of the necessary movements, he shall not move the hoist again until he has received a new signal.

9 bells. . . . Danger Signal (Special Cautionary). To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of the danger signal.

(2) The following method and order shall be observed in giving signals: Method and order of signals

1. Strokes on the bell shall be made at regular intervals.
2. Signals shall be given in the following order: 1st, Cautionary Signals; 2nd, Destination Signals; 3rd, Executive Signals. R.S.O. 1960, c. 241, s. 326.

327.—(1) At every mine, other signals, termed destination signals, in conjunction with the code referred to in subsection 1 of section 326 shall be used to designate all regular stopping points. Special signals

(2) Special signals shall be used to designate all special hoisting movements. Signals for movements

(3) All such signals shall be easily distinguishable from the foregoing code and shall not interfere with it in any way and shall follow the Department's standard mine signal code, and any deviation therefrom shall be approved by the chief engineer. Standard mine signal code

(4) Such destination signals and other special signals approved for use at every mine and an adequate description of their application to the movements required shall be posted at every hoist, at the top of the shaft or winze and at every working level of the shaft or winze. R.S.O. 1960, c. 241, s. 327. Destination signals

328.—(1) The hoistman shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that men are carried. Hoistman shall not move conveyance

(2) In case he is unable to act within one minute of the time he has received any complete signal, he shall not move the hoisting conveyance until he has again received another complete signal. R.S.O. 1960, c. 241, s. 328. If unable to move within one minute

329.—(1) After a hoistman has received a 3-bell signal, he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement. 3-bell signal

(2) After he has commenced the movement, he shall complete it without interruption, unless he receives a stop signal or in case of great emergency. R.S.O. 1960, c. 241, s. 329. Idem

330. The hoistman shall remain at the hoist controls at all times the hoist is in motion, except when the hoist is operating under automatic control. R.S.O. 1960, c. 241, s. 330. Hoistman to remain at controls

Notice re
talking to
hoistman

331. Except in case of emergency, no one shall speak to the hoistman while the hoist is in motion, and a sign to this effect plainly visible to anyone approaching the hoist controls shall be kept posted at all times. R.S.O. 1960, c. 241, s. 331.

Signal
required

332. Under no circumstances shall the hoisting conveyance be moved by the hoistman until he has received a proper signal, except that, in the event of an inadvertent stop at some point in the shaft or winze, other than at a station from which a signal may be given, the hoistman may move the conveyance when he has assured himself that the hoist controls are in proper working order and when hoisting or lowering men he has received instructions from a properly authorized person. R.S.O. 1960, c. 241, s. 332.

Only
authorized
person to
give signal

333.—(1) No person, unless duly authorized, shall give any signal for moving or stopping the bucket, cage or skip.

Idem

(2) No unauthorized person shall give any signal, other than the danger signal, or in any way whatsoever interfere with the signalling arrangements. R.S.O. 1960, c. 241, s. 333.

Only author-
ized person
may operate
hoist

(3) No person, unless duly authorized, shall operate any equipment for controlling the movement of the hoist or interfere with such equipment in any way. R.S.O. 1960, c. 241, s. 334.

Voice
communica-
tion

334. Except during shaft-sinking operations, a system shall be installed in all active shafts to provide voice communication between the collar and regular landing places. *New.*

Position of
conveyance

335. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. R.S.O. 1960, c. 241, s. 335.

Sinking Equipment

When
crosshead
required

336.—(1) After a depth of 300 feet below the sheave has been attained in the sinking of a vertical shaft or winze, a suitable bucket and crosshead, as referred to in subsection 2 and in section 337, shall be used.

Suspension,
barrel-
shaped
bucket

(2) When a closed type of crosshead is not used, the bucket shall be barrel-shaped and shall be suspended by the upper rim. R.S.O. 1960, c. 241, s. 336.

Safety
appliance on
crosshead

337.—(1) All sinking crossheads shall be provided with a safety appliance of a design approved by the mechanical engineer for attaching the bucket to the crosshead, so constructed that the crosshead cannot stick in the hoisting compartment without also stopping the bucket. R.S.O. 1960, c. 241, s. 337 (1).

(2) All crossheads shall be of a design approved by the Approval mechanical engineer. R.S.O. 1960, c. 241, s. 337 (2), *amended*.

Shaft Conveyances, Construction and Operation

338.—(1) No cage or skip shall be used for the raising or lowering of persons unless it is so constructed as to prevent any part of the body of a person riding therein from accidentally coming into contact with the timbering or sides of the shaft or winze. Protection of men in shaft conveyances

(2) Permission shall be obtained from the chief engineer before a skip is used for lowering or raising men in a shaft or winze, except during sinking, inspection or maintenance operations. R.S.O. 1960, c. 241, s. 338. Permission necessary to handle men in skip

339. All cages or skips for lowering or raising men shall comply with the following: Construction of cages and skips, etc.

1. The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness or of a material of equivalent strength.
2. The cage shall be provided with sheet-iron or steel side casing not less than one-eighth of an inch in thickness or of a material of equivalent strength, and the casing shall extend to a height not less than five feet above the floor of the cage.
3. The cage shall be equipped with doors made of suitable material that extend to a height not less than five feet above the floor.
4. The doors shall be so arranged that it is impossible for the doors to open outward from the cage.
5. Doors shall be fitted with a suitable latch and shall have a minimum clearance at the bottom.
6. The safety catches and mechanism shall be of sufficient strength to hold the shaft conveyance with its maximum load at any point in the shaft and shall be of a type the design and performance of which are approved by the chief engineer.
7. Such approval shall not be considered until the safety catches and mechanism are found to function satisfactorily under load conditions during such number of tests as are required by the chief engineer, each test to consist of suddenly releasing the shaft conveyance

in a suitable manner under maximum loading conditions for persons so that the safety catches will have the opportunity to grip the guides when the conveyance is descending at maximum speed.

8. A report of such tests and drawings of the safety catches and mechanism shall be sent in duplicate to the chief engineer, who may require such further information or tests as he deems necessary.
9. Before a shaft conveyance equipped with an approved type of safety catches and mechanism is first used for the purpose of lowering or hoisting men, the safety catches and mechanism shall be found to function efficiently according to the requirements of the mechanical engineer during a test under the same conditions as set out in paragraph 6, and a permit for the use of the conveyance for hoisting and lowering men shall be obtained from the district engineer. R.S.O. 1960, c. 241, s. 339, pars. 1-9.
10. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the mechanical engineer. R.S.O. 1960, c. 241, s. 339, par. 10, *amended*.
11. A shaft conveyance previously permitted for use by the district engineer for the purpose of lowering or hoisting men on which alterations or repairs to the safety catch mechanism necessary to rectify any distortion of the mechanism from its proven satisfactory position are made shall not be put to such use until the safety catch and mechanism have been found to function efficiently according to the requirements of the mechanical engineer during a test made under the same conditions as set out in paragraph 6 and the district engineer has again issued permission for the use of the conveyance for such purpose. R.S.O. 1960, c. 241, s. 339, par. 11.
12. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the mechanical engineer. R.S.O. 1960, c. 241, s. 339, par. 12, *amended*.
13. A certificate of load capacity of the conveyance and attachments, which shall include the weight of the tail rope, if any, or other suspended load, shall be obtained from the manufacturer and made available to the mechanical engineer.

14. Devices for attaching the conveyance to the rope shall have a factor of safety of not less than 10.

15. The bales and suspension gear of all shaft conveyances shall be cleaned and thoroughly inspected at least once in every twelve months and a record of such inspection shall be made in the Hoisting Machinery Record Book. *New.*

340. The chief engineer may give permission in writing for hoisting men without safety catches if he is satisfied that the equipment and conditions are such that maximum safety is provided. R.S.O. 1960, c. 241, s. 340. Hoisting without safety catches

341. The cage shall not have chairs attached to it that are operated by a lever or a chain through or from the floor of the cage. R.S.O. 1960, c. 241, s. 341. Operating chairs by lever

342. When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze, other than at the lowest point of travel for a skip, they shall be so arranged that they automatically fall clear and remain clear of the hoisting compartment when the cage or other conveyance is lifted off. R.S.O. 1960, c. 241, s. 342. Automatic operation of chairs

343. The bucket and any device such as the bale, safety latch or other attachment to the bucket shall be of a design approved by the chief engineer. R.S.O. 1960, c. 241, s. 343. Bales, safety latches, etc.

Hoisting Procedure

344.—(1) If at the commencement of a shift there has been a stoppage of hoisting in a shaft for a period exceeding two hours duration, no regular hoisting shall be done until the shaft conveyance has made one complete trip through the working part of the shaft or, where shaft repairs have been made, a return trip of the shaft conveyance has been made through and below the affected part of the shaft. R.S.O. 1960, c. 241, s. 344 (1), *amended.* Hoisting after stoppages

(2) The hoistman shall record all such stoppages and trips in the Hoistman's Log Book. R.S.O. 1960, c. 241, s. 344 (2). Record of stoppages

345. Where a hoist is equipped with an auxiliary overwind device for preventing men from being hoisted to the dumping position in skips or in skips of skip-cage assemblies as required in section 590, the hoistman shall place the device in operation or assure himself that it is in operation at all times that men are handled. R.S.O. 1960, c. 241, s. 345. Auxiliary overwind

Obstructions 346. Where obstructions such as those referred to in section 558 may exist, the hoistman shall not hoist or lower the shaft conveyance without proper authority. R.S.O. 1960, c. 241, s. 346.

Testing overwind devices 347. All overwind and underwind devices shall be tested at least once during every twenty-four hours and a record of the test shall be posted immediately in the Hoistman's Log Book. R.S.O. 1960, c. 241, s. 347.

Brakes to be tested 348.—(1) The operator of a hoist shall, after going on shift and before a conveyance is raised or lowered, assure himself that the brake or brakes are in proper condition to hold the loads suspended on the corresponding drum or drums by testing the brakes of the drums against the normal starting power of the engine or, in the case of an electric hoist, against the normal starting current.

Drum not to be unclutched (2) The operator of a hoist shall not unclutch a drum of the hoist until the test mentioned in subsection 1 has been made. R.S.O. 1960, c. 241, s. 348.

Friction clutches 349.—(1) Where a hoist is fitted with a friction clutch, the operator shall, after going on shift and before a conveyance is raised or lowered, test the holding power of the clutch, the brake of the corresponding drum being kept on and the brake of the other drum being kept off.

Idem (2) In the case of a steam or air hoist, the test mentioned in subsection 1 shall be made against the normal starting power of the engine and, in the case of an electric hoist, against the normal starting current. R.S.O. 1960, c. 241, s. 349.

Use of brake when drum unclutched 350. When the drum of a hoist is unclutched, the brake of the drum shall be used only for the purpose of maintaining the drum in a stationary position, and no lowering shall be done from an unclutched drum. R.S.O. 1960, c. 241, s. 350.

When clutch to be kept in 351. When men are in a hoisting conveyance, the corresponding drum of the hoist shall be kept clutched in. R.S.O. 1960, c. 241, s. 351.

Hoistman's Log Book

Hoistman's Log Book 352.—(1) At every shaft or winze hoist, there shall be kept a Hoistman's Log Book in which the following shall be recorded:

1. A report of the working condition of the hoist, including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and

all other devices and fittings pertaining to the safe operation of the hoist.

2. A report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned.
3. Any special instructions received involving the safety of persons, such entry to be signed by the hoistman and by the person issuing the instructions.
4. A report of the tests of the overwind and underwind devices.
5. Where the required tests of the overwind and underwind devices are conducted by a hoistman operating on another shift, the hoistman assuming duty shall note over his signature that he has examined the entry in the log book of the hoistman who performed the tests.
6. A report of all abnormal circumstances in connection with the operation of the hoist or attachments thereto and such abnormal conditions as have come to the hoistman's knowledge in connection with the hoisting operations in the shaft or winze.
7. A report of all trial trips referred to in sections 344 and 382.

(2) A notification to the hoistman on a succeeding period ^{Idem} of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the Hoistman's Log Book.

(3) All such entries shall be countersigned by the hoistman ^{Idem} assuming duty for the succeeding period.

(4) Such entries as are required by this section shall be ^{Idem} made and signed by every hoistman for his period of duty on a shaft or winze hoist and the time and duration of his period of duty shall also be noted, and such entries as have been made during the preceding twenty-four hours shall be read and signed each day by the master mechanic or other authorized person. R.S.O. 1960, c. 241, s. 352.

Hoist Brakes

353.—(1) Every device used for hoisting from mine workings shall be equipped with a brake or brakes that may be applied directly to each drum so as to readily stop and hold the drum when it is carrying its maximum load. ^{Brakes required}

Arranged
to test
separately

(2) The brakes shall be so arranged that they can be tested separately and, whether the hoist is at work or at rest, can be easily and safely manipulated by the hoistman when at the levers controlling the hoist.

Not
operated
by foot

(3) No hoist used for raising or lowering persons or for shaft sinking shall be equipped with a brake or brakes operated by means of a hoistman's foot, unless such brake is an auxiliary electrical device.

Adjustments
to be
maintained

(4) The adjustments of the brake or brakes and brake mechanism shall be maintained in such condition that the brake lever or any other part of the brake mechanism will not come to the limit of travel before the normal power of the brake or brakes is applied. R.S.O. 1960, c. 241, s. 353 (1-4).

Loss of
brake
pressure

(5) All brake engines shall be so equipped that, in the event of inadvertent or accidental loss of pressure in the brake system, the brakes may be applied. R.S.O. 1960, c. 241, s. 353 (5), *amended*.

Brake for
friction
hoists

(6) The brakes for a friction hoist shall be designed, adjusted and maintained to safely stop and hold the conveyance under all conditions of loading, direction of travel and speed. *New*.

Brakes

(7) At all times that men are in or on a shaft hoisting conveyance, the hoist shall be equipped with more than one brake, each capable of stopping and holding the drum or drums in use, except that, in shaft inspection, maintenance or sinking operations, men may be in or on a shaft hoisting conveyance attached to the fixed or clutched-in drum when changing balance.

Automatic
operation

(8) At least one of the brakes required shall be arranged for automatic application upon operation of any of the safety devices for brake application. R.S.O. 1960, c. 241, s. 353 (6, 7).

Freedom of
falling
weights

(9) In a brake system where weights are used to furnish auxiliary pressure on loss of air, the weights shall be tested at least once every twenty-four hours to ensure their freedom of movement. *New*.

Single drum
air or steam

(10) In the case of single drum air or steam driven hoists, automatic valves to control engine compression, arranged for operation by the safety devices, may serve as a brake.

Idem

(11) The arrangements mentioned in subsection 10 are subject to the approval of the mechanical engineer. R.S.O. 1960, c. 241, s. 353 (8, 9).

Hoist Clutches

354. The device for operating the clutch of the drum shall be provided with adequate means to prevent the inadvertent withdrawal or insertion of the clutch. R.S.O. 1960, c. 241, s. 354. Clutch-locking arrangement

355. The brake and clutch operating gear shall be so installed that it will not be possible to unclutch a drum unless the brake or brakes on the drum are applied, nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged. R.S.O. 1960, c. 241, s. 355. Interlocking brake and clutch

Hoist Drums

356. Such bolts and other fittings of the drums, brakes and clutches as might be a danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices other than spring lockwashers. R.S.O. 1960, c. 241, s. 356. Securing of drum parts

357. On the drum of every hoist used for lowering or raising persons, there shall be flanges and also, if the drum is conical, such other appliances as are sufficient to prevent the rope or cable from slipping off. R.S.O. 1960, c. 241, s. 357. Slipping of rope on drum

358.—(1) In all hoist installations, the dimensions of the drum or drums shall be suitable for the kind, diameter and length of the rope in service. Suitability of hoist drum for rope

(2) The diameters of the hoist drums shall be large enough to prevent the occurrence of unduly large bending stresses in the rope. Bending stresses in rope

(3) Where multiple-layer winding is used, proper arrangements shall be made and maintained to permit the rope to rise evenly from one layer to another and to wind properly without cutting down through any lower layer. R.S.O. 1960, c. 241, s. 358. Rope risers

359.—(1) On and after June 15, 1948, in all installations of newly-acquired drum hoists and modifications of existing hoists designed to increase the load ratings of the hoist, Drum hoist installation

- (a) all hoist drums over sixty inches in diameter shall have grooving properly machined to fit the rope used, except that, in the case of shaft sinking, preliminary development operations and operations of a temporary nature, hoists with plain drums may be used;

- (b) the drums shall have sufficient rope-carrying capacity to permit hoisting from the lowest regular hoisting point to the highest point of travel in the shaft without the necessity of winding more than three layers of rope on the drum;
- (c) the diameter of a hoist drum shall not be less than 80 times the diameter of the hoisting rope in use when the diameter of the rope is greater than one inch and shall not be less than 60 times the diameter of the rope in use when the diameter of the rope is not greater than one inch, except that, in the case of shaft-sinking and preliminary development operations,
 - (i) a hoist may be used having a drum whose diameter is not less than 60 times the diameter of the hoisting rope in use when the diameter of the rope is greater than one inch, and
 - (ii) a hoist may be used having a drum whose diameter is not less than 48 times the diameter of the hoisting rope in use when the diameter of the rope is not greater than one inch; and
- (d) the hoist and the head sheaves shall be so located in relation to one another as to permit the proper winding of the rope on the hoist drum. R.S.O. 1960, c. 241, s. 359, *amended*.

Change of
location

(2) In any change of location of a hoist installed prior to the coming into force of this section, the requirements of clause *b* of subsection 1 apply.

Friction
hoist
installations

(3) In friction hoist installations,

- (a) the drum diameter shall not be less than 80 times the diameter of the rope;
- (b) the hoist drive, control and brakes shall be so designed and maintained that slippage of the rope on the drum will not occur under normal operating conditions; and
- (c) the rope treads shall be inspected regularly and maintained in good condition. *New*.

Sheaves

Head
sheaves

360.—(1) Head sheaves shall be of such diameter as is suited to the rope in use and shall be machined properly to fit the rope.

(2) The diameter of a head sheave shall be determined by ^{Diameter} clause *c* of subsection 1 of section 359 as required for the hoist drum. R.S.O. 1960, c. 241, s. 384.

(3) The deflection sheaves shall be inspected weekly and ^{Deflection sheaves} the results recorded in the Hoisting Machinery Record Book. *New.*

Overwinding, etc.—Air and Steam Hoists

361. In the case of steam or air hoists, where the depth of ^{Overwind and underwind protection for air or steam hoists} the shaft is greater than 300 feet or the hoisting speed is greater than 350 feet per minute, or in the case of a hoist designated by a mechanical engineer, there shall be provided suitable overwind and underwind protection for the hoisting conveyance, except that, in shaft-sinking, inspection and maintenance operations, the underwind protection may be dispensed with. R.S.O. 1960, c. 241, s. 360.

362. At all air or steam hoists, there shall be installed ^{Gauge required} within plain view of the operator a gauge to indicate the air or steam pressure. R.S.O. 1960, c. 241, s. 361.

Indicators

363.—(1) Every hoist shall, in addition to any marks on ^{Indicator required} the rope or drum, be provided with a reliable depth indicator that will clearly and accurately show to the operator,

- (a) the position of the bucket, cage or skip;
- (b) at what positions in the shaft a change of gradient necessitates a reduction in speed; and
- (c) the overwind or underwind position of the shaft conveyance or counterbalance. R.S.O. 1960, c. 241, s. 362 (1), *amended*.

(2) Hoist depth indicators shall be driven by a reliable ^{Operation of indicator} means. R.S.O. 1960, c. 241, s. 362 (2).

(3) Means shall be provided on a friction hoist to adjust ^{Means to adjust indicator on friction hoist} the depth indicators and protective devices on the hoist to the position of the conveyance in the shaft. *New.*

Special Testing

364.—(1) The specifications of the hoist and equipment ^{Specifications required} and the general arrangement of the headframe shall be approved by the chief engineer. *New.*

Tests

(2) Before a new hoisting installation is put in service, tests shall be conducted to prove its compliance with this Act. R.S.O. 1960, c. 241, s. 363 (1), *amended*.

Record kept available

(3) A record of such tests and the results obtained shall be kept on file and made available to an engineer. R.S.O. 1960, c. 241, s. 363 (2).

Special testing by mechanical engineer

(4) If the mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all brakes, clutches, overwind devices or other hoist controls. R.S.O. 1960, c. 241, s. 364.

Tapered Guides, etc.

Final protection

365. In a friction hoist installation, tapered guides or other approved devices shall be installed above and below the limits of regular travel of the conveyance, arranged so as to brake and stop an overwound or underwound conveyance in the event of failure of other devices. *New*.

Examination

Examination of hoisting equipment required

366. The owner or manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it is to examine at least once in each week,

- (a) sheave wheels;
- (b) attachments of the hoisting ropes to the drums and to the counterweights, buckets, cages or skips;
- (c) brakes;
- (d) interlocks;
- (e) depth indicators;
- (f) buckets;
- (g) counterweights;
- (h) cages;
- (i) skips;
- (j) external parts of the hoist;
- (k) mechanical hoisting signalling equipment, if any;

- (l) shaft dumping and loading arrangements;
- (m) sinking doors and blasting sets, and any attachments thereto; and
- (n) attachments to any cage, skip or bucket for any underslung regularly-used equipment,

and to record the report of such examination in a book called the Hoisting Machinery Record Book. R.S.O. 1960, c. 241, s. 365.

Hoist Loading

367.—(1) No drum hoist shall be used that is not accompanied by a certificate from the manufacturer or an independent competent hoist design engineer giving the maximum permissible rope pull for each drum and the maximum permissible suspended load of the hoist, and the hoist shall not be loaded beyond the maximum loads so specified. R.S.O. 1960, c. 241, s. 366 (1), *amended*. Permissible hoist loading

(2) No alterations designed to increase the hoisting capacity shall be made to a hoist unless approval is given by its manufacturer or an independent competent hoist design engineer. R.S.O. 1960, c. 241, s. 366 (2). Approval for increased capacity

Hoisting Ropes

368.—(1) The connection between the hoisting rope and the bucket, cage, skip, counter-balance or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum. Rope connection

(2) No open-hook device shall be used for such purpose. R.S.O. 1960, c. 241, s. 367 (1, 2). No open hooks

(3) Such device shall be of a design approved by the chief engineer. R.S.O. 1960, c. 241, s. 367 (3), *amended*. Approved connections

(4) The drum end of the rope shall be fastened to the spider of the drum or around the drum shaft in some suitable manner. R.S.O. 1960, c. 241, s. 367 (4). Fastened to spider

369. In no case shall a rope that has been spliced be used for hoisting purposes. R.S.O. 1960, c. 241, s. 368. Splicing prohibited

370.—(1) No hoist shall be operated with less than three turns of rope on the drum when the bucket, cage or skip is at the lowest point in the shaft from which hoisting is effected. R.S.O. 1960, c. 241, s. 369 (1). Length of rope required on hoist drum

Three layers
only on
drum

(2) No hoist acquired after the 15th day of June, 1948, and no hoist existing on that date and modified after that date so as to increase its load rating, and no hoist that has its location changed, shall be operated with more than three complete layers of rope on the drum when the conveyance is at the highest point of travel in the shaft. R.S.O. 1960, c. 241, s. 369 (2), *amended*.

Test
certificate

371.—(1) No hoisting rope shall be used that has not been tested by the Ontario Government Cable Testing Laboratory and for which a certificate of the test is not in the possession of the user. R.S.O. 1960, c. 241, s. 370 (1).

Number of
test
specimens
required

(2) In friction hoist installations, where multiple ropes are used and when manufactured have been laid up continuously, a specimen shall be submitted for test, cut from the portion between each pair of ropes,

(a) in the case of four ropes, two specimens shall be required;

(b) in the case of three ropes, two specimens shall be required. *New*.

Manu-
facturer's
certificate

(3) No hoisting rope or tail rope shall be used that is not accompanied by a certificate from the manufacturer giving the following information:

1. Name and address of manufacturer.
2. Manufacturer's rope number.
3. Date of manufacture.
4. Diameter of rope in inches.
5. Weight per foot in pounds.
6. Number of strands.
7. Class of core.
8. Percentage of weight of lubricant in core.
9. Trade name of interior rope lubricant.
10. Number of wires in strand.
11. Grade of steel.
12. Diameter of wires in decimals of an inch.

13. Breaking stress of steel of which the wire is made in pounds per square inch.
14. Standard torsion test of wires.
15. Actual breaking load of rope, as provided by the certificate referred to in subsection 1.
16. Length of rope. R.S.O. 1960, c. 241, s. 370 (2), *amended*.

(4) When any rope is put on in a shaft compartment or hoisting way, the data mentioned in subsection 3 shall be entered in a book called the Rope Record Book, together with the additional following information:

1. Name of person from whom purchased.
2. Date of purchase.
3. Date put on in present location.
4. Identification number of rope.
5. Name of shaft or winze and compartment in which rope is used.
6. Weight of shaft conveyance.
7. Weight of material carried.
8. Maximum length of rope in service below sheave.
9. Maximum weight of rope in service below sheave.
10. Static factors of safety at conveyance connection and at head sheave with rope fully let out.
11. Date put on and removed from previous locations, if any.

(5) Duplicate copies of such entries shall be forwarded to the chief engineer at the time the rope is put on in any location.

(6) The owner or manager shall keep or cause to be kept at the mine a book called the Rope Record Book, in which shall be recorded, in addition to the information referred to in subsections 3 and 4, the following information:

1. A history of the hoisting rope, outlining the date on which the rope was first put on.

2. Dates of shortening.

3. Dates and results of breaking tests.

4. Date and reason for taking off, for each occasion the rope is put into and taken out of service. R.S.O. 1960, c. 241, s. 370 (3-5).

Rope Record Book open to engineer (7) The Rope Record Book shall be available to the engineer.

Notification of rope discarded (8) When a hoisting rope or tail rope is taken out of service from a shaft compartment, notice to that effect shall be forwarded to the chief engineer, giving the date, the reasons for discarding or discontinuing the use of the rope, disposition of the rope, and such other information as he requires. R.S.O. 1960, c. 241, s. 370 (6, 7), *amended*.

Permission required to use old rope 372.—(1) No hoisting rope or tail rope that has previously been in use in a place beyond the control of the owner shall be put on anew, except with the permission in writing of the chief engineer. R.S.O. 1960, c. 241, s. 371 (1), *amended*.

Request for permission (2) Request for permission to use such rope shall be accompanied by certification that the rope has been properly examined and that no apparent defects have been found.

Test pieces (3) Two standard test pieces, one from each end of the rope, shall also be sent to the Ontario Government Cable Testing Laboratory for test. R.S.O. 1960, c. 241, s. 371 (2, 3).

Precautions used ropes 373. No hoisting rope or tail rope that has been removed from service at a shaft or winze compartment shall be put on anew for the purpose of raising or lowering men unless proper measures have been taken for the maintenance of the rope and the owner or manager is satisfied that the rope is in safe working condition. R.S.O. 1960, c. 241, s. 372, *amended*.

Rope removal 374. When a shaft compartment has been abandoned for hoisting purposes, the hoisting rope shall immediately be removed from the shaft. R.S.O. 1960, c. 241, s. 373.

Rope not to be reversed 375. No hoisting rope shall be reversed until application has been made in writing to the chief engineer, standard test pieces from each end of the rope have been submitted for test, and approval for the reversal has been received from the chief engineer. R.S.O. 1960, c. 241, s. 374.

376.—(1) For the purpose of this section, the factor of safety of a hoisting rope or tail rope in a shaft or winze means the number of times the breaking strength of the rope is greater than the total weight supported by the rope at a definite place in the rope. ^{Factor of safety of hoisting rope}

(2) The breaking strength of the hoisting rope means the breaking strength of the rope as shown in the test certificate issued by the Ontario Government Cable Testing Laboratory before the rope is installed, as required by subsection 1 of section 371. R.S.O. 1960, c. 241, s. 375 (1, 2), *amended*. ^{Breaking strength, hoisting rope}

(3) The breaking strength of the tail rope shall be that as certified by the manufacturer. *New*. ^{tail rope}

(4) Every hoisting rope, when newly installed on a newly acquired drum hoist or on an existing drum hoist modified to increase the hoist load ratings or on a drum hoist that has had its location changed, shall have a factor of safety of not less than 8.5 at the end of the rope where it is attached to the shaft or winze conveyance and where the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted. R.S.O. 1960, c. 241, s. 375 (3), *amended*. ^{Idem}

(5) In addition, the hoisting rope shall have a factor of safety of not less than 5 at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted plus the weight of that part of the rope that extends from the head sheave to the conveyance. ^{Idem}

(6) Every hoisting rope when newly installed on hoists that were the property of a mine on the 15th day of June, 1948, shall have a factor of safety of not less than 6 for shafts and winzes less than 2,000 feet in depth and not less than 5 for shafts and winzes over 2,000 feet in depth at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted plus the weight of that portion of the rope that extends from the head sheave to the conveyance. R.S.O. 1960, c. 241, s. 375 (4, 5). ^{Idem}

(7) When the rope is installed on a friction hoist, the factor of safety shall not be less than that as determined from the following formula: $F. of S. = 9.5 - .00075 d$, where d is the maximum length of rope suspended below the head sheave in feet. ^{Factor of safety for friction hoist}

Idem (8) For friction hoists, the factor of safety shall not be less than 5.5 for any depth of shaft when the rope is installed.

Idem (9) The factor of safety for a given friction hoist installation is the lowest actual breaking strength, as determined by the Ontario Government Cable Testing Laboratory for the ropes, times the number of ropes, divided by the sum weight of the conveyance and attachments, the maximum conveyance load carried and the maximum weight of rope suspended in one compartment of the shaft.

Idem (10) The factor of safety of the tail rope shall not be less than 7 when installed. *New.*

Rope discarded 377. No hoisting rope shall be used in a shaft or winze where in any part of the rope,

(a) the existing strength has decreased to less than 90 per cent of the original strength of the rope;

(b) the extension of a test piece has decreased to less than 60 per cent of its original extension when tested to destruction;

(c) the number of broken wires in any section of the rope equalling the length of one lay of the rope exceeds six;

(d) marked corrosion occurs;

(e) the rate of stretch in a friction hoisting rope begins to show a rapid increase over the normal stretch noted during its service. R.S.O. 1960, c. 241, s. 376, *amended.*

Rope dressing 378.—(1) The rope dressing used on a drum hoisting rope shall be suited to the operating conditions of the rope, and the dressing shall be applied at least once in every month and as often as is necessary to maintain the coating on the rope in good condition. R.S.O. 1960, c. 241, s. 377 (1), *amended.*

Idem (2) Every time the rope is dressed, a report of the treatment shall be recorded in the Hoisting Machinery Record Book and signed by the person who performed the work. R.S.O. 1960, c. 241, s. 377 (2).

Rope Testing

Testing of hoisting rope 379.—(1) At least once in every six months, the hoisting rope of a drum hoist shall have a portion not less than eight feet in length cut off the lower end from a position above the clamps or other attachment. R.S.O. 1960, c. 241, s. 378 (1), *amended.*

(2) The length so cut shall have the ends adequately fastened with binding wire before the cut is made to prevent the disturbance of the strands and shall be sent to the Ontario Government Cable Testing Laboratory for a breaking test. R.S.O. 1960, c. 241, s. 378 (2). Ends adequately bound

(3) In friction hoist installations, specimens shall be submitted for test and examination during the life of the rope if and when available and as close to six-month intervals as practicable. *New.* Tests required for friction hoist ropes

(4) The certificate of the test shall be kept on file and a summary thereof recorded in the Rope Record Book. R.S.O. 1960, c. 241, s. 378 (3). Recording of test

380.—(1) The chief engineer may require that test specimens shall be cut from any rope discarded for use in mine hoisting at points specified by him and sent to the Ontario Government Cable Testing Laboratory for special testing and investigation if he is of the opinion that such testing and investigation are in the interest of better mine hoisting practice. Special testing of used hoisting ropes

(2) No charge shall be made for such special testing and investigation. R.S.O. 1960, c. 241, s. 379. No charge for testing

Clearance for Tail Ropes

381. Water and muck spillage in the shaft sump shall be kept at such a level that the tail ropes shall have a clear passage at all times. *New.* Tail ropes to be clear

Rope Attachments

382.—(1) A hoisting rope when newly put on, and after any subsequent cutting thereof, shall have the connecting attachments between the bucket, cage, skip or counterweight and the connection between the drum and the rope carefully examined by some competent and reliable person or persons authorized by the owner, manager or department head, and shall not be used for ordinary transport of persons in a shaft or winze until two complete trips up and down the working parts of the shaft or winze have been made, the bucket, cage, skip or counterweight bearing its authorized load. Examination of attachments

(2) The hoistman shall make a record of such two complete trips in the Hoistman's Log Book. Record to be kept

(3) The results of the examination of the connecting attachments between the bucket, cage, skip or counterweight and hoist drum and the rope shall be recorded in the Hoisting Machinery Record Book and signed by the person making the examination. R.S.O. 1960, c. 241, s. 380. Results to be recorded

Cleaning
and
examination
of rope
connections

383.—(1) Every six months, the connection between the rope and the bucket, cage, skip or counterweight shall be thoroughly cleaned and examined. R.S.O. 1960, c. 241, s. 381 (1), *amended*.

Idem

(2) At such time, the connection between the rope and the drum shall be thoroughly cleaned and examined. R.S.O. 1960, c. 241, s. 381 (2).

Counter-
weight

384. The rope from the counterweight shall be attached to the drum of the hoist and not to the shaft conveyance in drum hoist installations. R.S.O. 1960, c. 241, s. 382, *amended*.

Examination of Ropes and Safety Appliances

Examination
of ropes and
safety
appliances

385.—(1) The owner or manager shall depute a competent person or persons who shall examine,

- (a) at least once in each day, the exterior of the hoisting rope and tail rope to detect the presence of kinks or other visible damage and to note the appearance of the rope dressing;
- (b) at least once in each month, the structure of that portion of the hoisting rope that is not on the hoist drum when the conveyance is at its lowest stopping point, and the tail rope, with a view to ascertaining the deterioration thereof, and for the purpose of this examination the rope shall be cleaned at points selected by such person or persons, who shall note any reduction in the diameter or circumference of and the proportion of wear in the rope, and the starting point of the examination shall be changed slightly from month to month in order to obtain more complete information, but any portion showing appreciable reduction in diameter or circumference or appreciable wear shall be checked when the rope is again examined;
- (c) the portion of the rope that normally remains on the drum of a drum hoist when the conveyance is at its lowest stopping point, and shall lubricate such portion, and, if, during the examination of the rope, significant deterioration is found in the portion on the drum or at the cross-over points, the rope shall be shortened sufficiently to eliminate any crushed portion or to change the position of the cross-over points if either or both are necessary;
- (d) at least once in each day, the safety catches, if any, of the conveyance, to be sure they are clean, sharp and in proper adjustment and working condition;

- (e) at least once in every three months, the safety catches of the cage or other shaft conveyance so equipped by testing the same, such test to consist of releasing the empty conveyance suddenly in some suitable manner from rest so that the safety catches have the opportunity to grip the guides, and, in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for raising or lowering men until the safety catches have been repaired and have been proved to act satisfactorily, as referred to in paragraph 11 of section 339. R.S.O. 1960, c. 241, s. 383 (1), *amended*.

(2) In friction hoist installations, the stretch of the hoisting rope or ropes shall be measured and recorded in the Friction Hoist Machinery Record Book. Stretch to be recorded

(3) In friction hoist installations, measurement of rope diameters and the location and number of broken wires shall be recorded monthly in the Friction Hoist Machinery Record Book. Rope diameters and broken wires to be recorded *New*.

(4) If the mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or cause to be conducted specific tests of the safety catches with which a conveyance is equipped. Mechanical engineer may conduct tests

(5) If on examination there is discovered any weakness or defect whereby the safety of persons may be endangered, the weakness or defect shall be immediately reported to the owner or manager or person in charge and, until the weakness or defect is remedied, the hoisting plant shall not be used. Defects to be remedied at once
R.S.O. 1960, c. 241, s. 383 (2, 3).

(6) It is the duty of the person referred to in subsection 1 to record the reports of all examinations therein referred to and also to record all reports referred to in subsection 5 in a book called the Hoisting Machinery Record Book or the Friction Hoist Machinery Record Book, whichever is applicable. Recording of examination and reports
R.S.O. 1960, c. 241, s. 383 (4), *amended*.

Hoisting Machinery Record Books

386.—(1) The owner or manager shall keep or cause to be kept at the mine the Hoisting Machinery Record Books referred to in section 366, in which shall be entered a report of every examination or report referred to in sections 339 and 366, subsection 2 of section 378, subsection 3 of section 382 and sections 383 and 385, and a notation of any failure of, accident to, correction or repairs to the hoist, the hoisting rope, Entering of reports

the shaft conveyance or any other part of the hoisting, dumping or loading equipment, signed by the person making the examination or report.

Entries to
be signed

(2) Such entries shall be read and signed each day, week or month, as is required by this Act, by the person in charge of such equipment or accessories thereto.

What to
be entered

(3) A notation shall be made in the Hoisting Machinery Record Books of the action taken regarding the report of any failure of, accident to, corrections or repairs to the hoist, the hoisting rope, the shaft conveyance or any other part of the hoisting, dumping or loading equipment, over the signature of the person in charge of such equipment or accessories thereto.

Books to be
available

(4) The Hoisting Machinery Record Books shall be made available to the engineer at all times. R.S.O. 1960, c. 241, s. 385, *amended*.

Raise Climbers

Brakes

387.—(1) Raise climbers shall be fitted with more than one means of braking, each capable of stopping the climber and holding it in place.

Maintenance

(2) Raise climbers shall be maintained in safe operating condition.

Testing of
brakes

(3) The operator of a raise climber shall ensure at the beginning of his shift that the brakes are in safe working condition.

Load
capacity

(4) The rated load capacity of the equipment as certified by the manufacturer shall not be exceeded.

Log book

(5) Where raise climbers are used pursuant to section 271 or subsection 2 of section 315, an approved log book shall be maintained.

Record
kept

(6) A record of inspections, maintenance and repairs shall be maintained in the log book.

Availability
to engineer

(7) The log book shall be available to the engineer at all times. *New*.

Elevators

Folding
gates

388.—(1) Every entrance to a hoistway shall be provided with a substantial door or doors or gate or gates at least five feet six inches in height.

(2) All folding gates over three feet wide shall have top, ^{idem} bottom and centre braces.

(3) Every gate or door opening to an elevator hoistway ^{Interlocks} shall be so controlled by an interlocking device that the elevator cannot be moved unless the door or gate is properly closed and that the door or gate cannot be opened unless the elevator car is in the proper position at the floor or landing place. R.S.O. 1960, c. 241, s. 386.

389. Every hoistway landing place shall be adequately ^{Lighting} lighted. R.S.O. 1960, c. 241, s. 387.

390. When a hoistway is not enclosed in walls, access to ^{Guarding hoistway} the hoistway by means of an adjacent stairway shall be prevented by means of a partition to a height of at least six feet. R.S.O. 1960, c. 241, s. 388.

391. All guide rails for cars and counterweights shall be ^{Guide rails} of substantial construction and shall be securely fastened to the sides of the hoistway, and the bottom ends shall rest on a secure foundation and shall be firmly fixed in that position. R.S.O. 1960, c. 241, s. 389.

392. At every elevator, other than an approved auto- ^{Clearance for car} matically-controlled passenger elevator, a clear space of not less than three feet shall be provided between the bottom of the hoistway and the lowest point of the car when the car is at its lowest landing, and between the top of the car and the sheave when the car is at its top landing, and also between the top of the counterweight and the sheave when the car is at its lowest landing. R.S.O. 1960, c. 241, s. 390.

393. Every elevator shall be provided with automatic ^{Automatic safety devices} devices at the top and bottom of the travel of a car in the hoistway, so arranged that the car will be stopped before it has travelled two feet above the top landing, or two feet below the bottom landing, and all drum hoists shall, in addition, be fitted with automatic stop motions to prevent overwinding. R.S.O. 1960, c. 241, s. 391.

394. All counterweights shall have their sections strongly ^{Protecting counterweights} bolted together, shall be so placed that they cannot fall on any part of the elevator or machinery and shall be suspended in guides in such a manner that they will run freely without danger of being detached. R.S.O. 1960, c. 241, s. 392.

395. Every elevator on which any person travels shall be ^{Protection on elevator} provided with side casing and shall have a door or doors extending at least five feet above the bottom of the elevator, and the top shall be covered with suitable protective roofing. R.S.O. 1960, c. 241, s. 393.

- Safety catches** 396.—(1) Every elevator on which any person travels shall be provided with efficient safety catches capable of holding the elevator and its maximum load in any position in the hoistway.
- Idem** (2) When the safety catches are operated through shafts, all the levers and safety catches shall be keyed to the shafts. R.S.O. 1960, c. 241, s. 394.
- Signalling devices** 397. For every elevator on which any person travels, other than an elevator equipped with approved controls for automatic operation, there shall be provided at every floor or landing place suitable devices to signal to the elevator car operator. R.S.O. 1960, c. 241, s. 395.
- Inspection of elevators** 398.—(1) The ropes, safety devices, safety catches, signalling devices, doors, interlocks and other electrical and mechanical equipment necessary to the safe operation of elevators shall be inspected at least once each month.
- Records available** (2) The records of such inspection shall be made available to the engineer. R.S.O. 1960, c. 241, s. 396.
- Posting capacity of elevator** 399. The manufacturer's rated capacity for the elevator shall be posted in the elevator. R.S.O. 1960, c. 241, s. 397.
- Age, elevator operators** 400. No person under the age of eighteen years shall be allowed to operate an elevator, other than an automatically-controlled elevator. R.S.O. 1960, c. 241, s. 398, *amended*.

Travelling Cranes

- Interpretation** 401.—(1) In this section and in sections 530 and 531, "crane" means a crane that travels on fixed tracks and is operated from a cab mounted on the crane. *New*.
- Warning devices** (2) Every crane shall be equipped with a whistle, bell, gong or horn that shall be sounded at such times as are necessary to give warning of the approach of the crane to places where men are working or are liable to pass. R.S.O. 1960, c. 241, s. 399 (1), *amended*.
- Devices to prevent overwind** (3) Every crane shall be equipped with suitable devices to prevent overwinding. R.S.O. 1960, c. 241, s. 399 (2).
- Daily examination of cranes** (4) The owner or manager shall depute some qualified person or persons to examine daily such parts of the crane or apparatus pertaining thereto upon the proper working of which the safety of persons depends. R.S.O. 1960, c. 241, s. 400 (1).

(5) A record of the examination and other regular maintenance examinations shall be kept, signed by the person making the examination, and such record shall be available to the engineer at all times. R.S.O. 1960, c. 241, s. 400 (2), *amended*. Record available

(6) No person, other than the operator, shall be permitted to ride on a crane or any part thereof or on any material carried by the crane, except for inspection, supervision, maintenance and repair, or the instruction of a new operator. R.S.O. 1960, c. 241, s. 401. Riding prohibited

(7) No person under the age of eighteen years shall be allowed to operate a power-driven crane controlled from a cab. R.S.O. 1960, c. 241, s. 402, *amended*. Age, crane operators

Protection from Machinery

402. Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates, shall be enclosed with a substantial railing or casing, unless situated in such a manner or location as to prevent a person from coming into accidental contact therewith. R.S.O. 1960, c. 241, s. 403. Fly-wheel, geared-wheel, etc.

403. Every key, bolt, set-screw, and every part of a wheel or other revolving machinery that projects unevenly from the surface, shall be covered, unless situated in such a manner or location as to prevent a person from coming into accidental contact therewith. R.S.O. 1960, c. 241, s. 404. Uneven projections to be covered

404.—(1) Every stationary power-driven grinding wheel shall be provided with a suitable hooded guard. R.S.O. 1960, c. 241, s. 405 (1), *amended*. Grinding wheels to be guarded

(2) Such guard shall be adjusted close to the wheel and extended forward, over the top of the wheel, to a point at least 30 degrees beyond a vertical line drawn through the centre of the wheel. R.S.O. 1960, c. 241, s. 405 (2). Idem

405. Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing. R.S.O. 1960, c. 241, s. 406. Wearing loose clothing

406. Every runway or staging more than five feet from the floor and used for oiling or other purposes shall be provided with a hand-railing. R.S.O. 1960, c. 241, s. 407. Runway to have hand-railing

407. Every entrance to an elevator, hatchway or well-hole shall be provided with a suitable trap-door, guard-rail or automatically-closing gate. R.S.O. 1960, c. 241, s. 408. Protection of entrance

Counter-weights

408. Every counterweight shall be so situated or guarded that injury to a person would not be probable should it become detached from its fastenings. R.S.O. 1960, c. 241, s. 409.

Track condition

409.—(1) Every switch in a track, either above or below ground, on which cars are moved by mechanical power shall have the frog and guard rail entrances provided with a guard block if its construction is not such that the hazard of a man's foot being caught in it is reduced to a minimum. R.S.O. 1960, c. 241, s. 410 (1), *amended*.

Maintenance of tracks

(2) All tracks shall be maintained in good working condition. R.S.O. 1960, c. 241, s. 410 (2).

Conveyors, belts

410.—(1) No person shall ride on a conveyor or belt, other than an escalator or man-lift approved by the chief engineer. R.S.O. 1960, c. 241, s. 411 (1).

Idem

(2) The following apply to installations of conveyor belts that exceed 100 feet in length:

1. There shall be an approved means for stopping the conveyor belt, available to any person along its course, by a device that is not capable of restarting the conveyor belt.
2. There shall be a suitable means of locking or tagging the control switch, or both, to prevent the conveyor belt from starting, and any control switch that is locked shall not be a push-button switch.
3. Where practicable, there shall be suitable warning before starting a conveyor belt to warn persons along its course.
4. Where conveyorways are used as regular travelways, suitable means shall be provided to protect persons from material that may fall from the belt. R.S.O. 1960, c. 241, s. 411 (2), *amended*.

Idem

(3) All inclined conveyorways shall be equipped with a suitable walkway or travelway to allow access for maintenance purposes. *New*.

Clay, Sand and Gravel Pits, and Quarries

Undermining forbidden

411.—(1) In workings of clay, sand and gravel or other types of unconsolidated material, the method of removing material by undermining shall not be used.

(2) No working place shall have a vertical height of more ^{Idem} than ten feet, unless the material is at a suitable angle to ensure safety.

(3) Where the thickness of the material exceeds ten feet ^{Idem} in vertical depth, the work shall be done in terraces or at a suitable angle to ensure safety. R.S.O. 1960, c. 241, s. 412 (1-3).

(4) Where mechanical equipment is used in loading un-^{Mechanical equipment}consolidated material, unless the material is at a suitable angle of repose, no working place shall have a vertical height of more than five feet above the top of the boom or the bottom of the bucket raised to its highest operating position. R.S.O. 1960, c. 241, s. 412 (4), *amended*.

412. Unless permission in writing is first obtained from ^{Height of face}the chief engineer, all open-cut (cast) operations (workings) over sixty-five feet in depth shall be worked in benches not more than sixty-five feet high, and due precautions shall be taken to maintain the walls, benches and broken material in a safe working condition, and no working face shall be advanced by undercutting, except where a tunnelling method is used. R.S.O. 1960, c. 241, s. 413 (1), *amended*.

413. Every pit or quarry dangerous by reason of its depth ^{Fencing pits and quarries} shall be securely fenced or otherwise protected against inadvertent access. R.S.O. 1960, c. 241, s. 414, *amended*.

414.—(1) In all open-pit workings, all unconsolidated ^{Stripping overburden}materials, such as clay, earth, sand, gravel and loose rock lying within six feet of the rim of the pit or quarry, shall be removed. R.S.O. 1960, c. 241, s. 415 (1), *amended*.

(2) Beyond this strip, all overburden shall be sloped to an ^{Idem}angle less than its natural angle of repose. R.S.O. 1960, c. 241, s. 415 (2).

415. When dumping material from a vehicle to a stock-^{Precautions when dumping}pile, due precautions shall be taken to keep the vehicle at a safe distance from the edge. *New*.

416.—(1) Unless the adjoining owners agree to dispense ^{Party walls of pits and quarries}therewith, in sand, clay or gravel or other natural unconsolidated material, excavation operations shall not be carried on within a distance from the property boundary of half the height of the total pit face, and material that sloughs from within this distance shall not be removed.

Excavation restriction (2) Unless the adjoining owners agree to dispense therewith, no quarrying shall be carried on in a rock quarry within a distance of fifteen feet of the property boundary. R.S.O. 1960, c. 241, s. 416 (1, 2), *amended*.

Idem (3) Where there is overburden, the natural slope of the overburden shall be allowed for beyond this distance from the property boundary as required under section 414. R.S.O. 1960, c. 241, s. 416 (3).

Examination of wall 417.—(1) No person shall be permitted to work near the pit or quarry wall until the wall has been examined by the foreman in charge of the crew. R.S.O. 1960, c. 241, s. 417 (1), *amended*.

Idem (2) If the wall is found unsafe, the foreman shall have all hazards removed before permitting any other work. R.S.O. 1960, c. 241, s. 417 (2).

Inspection of derrick guy wires 418. Derrick guy wires shall be regularly inspected and maintained. R.S.O. 1960, c. 241, s. 418.

Life lines 419.—(1) It is the duty of each man engaged in work on the wall of the pit or quarry, at such operations as barring loose material, scaling and cleaning, to continually wear a life line. R.S.O. 1960, c. 241, s. 419 (1), *amended*.

Snubbing, etc. (2) The life line shall be securely snubbed above the working place and shall be under the supervision of a snubtender, or the line may be held taut by one or more fellow-workmen. R.S.O. 1960, c. 241, s. 419 (2).

Hoisting of men prohibited 420. No person shall be hoisted or allow himself to be hoisted or lowered by means of a hoist or derrick at a pit or quarry unless permission is first obtained in writing from the chief engineer. R.S.O. 1960, c. 241, s. 420.

Signalman to clear area 421. Where a load is being hoisted or lowered by means of a hoist or derrick at a pit or quarry, the signalman shall notify all persons in the vicinity to retire to a place of safety until the load has cleared the danger zone. R.S.O. 1960, c. 241, s. 421.

Derail at top of incline 422.—(1) An effective block, automatic derail or safety switch shall be provided at the top of each inclined place to prevent cars accidentally running down.

Exception (2) Such installation, however, is not required where the skip or car remains on the hoisting cable. R.S.O. 1960, c. 241, s. 422.

423. At all rock quarries, a record of each primary blast, ^{Record of primary blasts} signed by the person in charge of the blast, shall be kept and the following information recorded:

1. Date, time and location of the blast.
2. Burden, spacing, depth and number of holes blasted.
3. Weight of explosive, footage of top stemming and firing delays used in respect of each hole.
4. Weight of explosives used per estimated ton broken.
R.S.O. 1960, c. 241, s. 423.

424. Unless the movement of the hoisting conveyance is ^{Hoisting signals} visible to the hoistman at all times, a suitable signal system shall be installed and maintained, and suitable signals, approved by an engineer, shall be used. R.S.O. 1960, c. 241, s. 424.

425.—(1) At every pit or quarry, there shall be provided and ^{Travelling ways} maintained in good condition a suitable travelling way leading from the working level of the pit or quarry to the surface. R.S.O. 1960, c. 241, s. 425 (1), *amended*.

(2) Where the travelling way is inclined at more than ^{Idem} 30 degrees and less than 50 degrees to the horizontal, stairways or ladders shall be provided.

(3) All stairways shall be equipped with substantial and ^{Idem} suitably-placed hand-rails.

(4) Where the travelling way is inclined at more than ^{Idem} 50 degrees to the horizontal, ladders shall be used.

(5) Substantial platforms shall be built at intervals not ^{Idem} exceeding twenty-one feet in the ladderway and at all places where the ladders are off-set. R.S.O. 1960, c. 241, s. 425 (2-5).

(6) Except for approved access ladders to equipment, no ^{Idem} ladder shall be installed at an inclination of more than 70 degrees to the horizontal. R.S.O. 1960, c. 241, s. 425 (6), *amended*.

426. Adequate lighting, safe footing and sufficient room ^{Safe working conditions about machinery} shall be provided for all workmen who are required to work near or about machinery. R.S.O. 1960, c. 241, s. 426.

Crushing Plants, Mills and Metallurgical Works

Antidotes
and washes

427.—(1) At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced, there shall be kept in a conspicuous place, as near the compounds, solutions or gases as is practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases.

Idem

(2) Such antidotes and washes shall be properly labelled and explicit directions for their use affixed to the boxes containing them. R.S.O. 1960, c. 241, s. 427.

Storage,
production,
etc., of acids,
poisons

428. Due provision shall be made at all plants, where acids or poisonous compounds are produced, transferred, used or stored, to reduce to a minimum the hazard of handling or storing such materials. R.S.O. 1960, c. 241, s. 430, *amended*.

Removal
of dust

429. In every mill or plant where, by reason of dry crushing or otherwise, there is in the air of the building dust in quantity to be injurious to health, suitable apparatus shall be installed for its removal. R.S.O. 1960, c. 241, s. 428.

Poisonous
vapours

430.—(1) In every mill or plant where poisonous vapours or gases exist or may be formed, suitable means shall be adopted to provide such ventilation as will prevent the formation of dangerous concentrations of the same. R.S.O. 1960, c. 241, s. 429.

Precaution
when
entering
tank

(2) No person shall enter or be permitted to enter a tank until due precautions have been taken to ensure that the atmosphere is safe. *New*.

Transfer of
liquids by
compressed
air

431. The transfer of liquids from one location or container to another location or container by the application of air under pressure shall not be permitted, except where properly-designed and tested equipment is used for this purpose. R.S.O. 1960, c. 241, s. 431.

Life lines,
for work
in bins

432.—(1) No person shall enter or be allowed to enter a storage bin from which material is drawn off at the bottom while material is stored therein, unless a second person is in constant attendance and suitable precautions are taken against the danger of caving material.

to be
provided
and worn

(2) The owner or manager shall, when necessary, provide life lines for the workmen, and it is the duty of the workmen to continually wear such life lines when, by so doing, the interests of safety are advanced. R.S.O. 1960, c. 241, s. 432.

433. Where in the opinion of the engineer the use of ^{Bin} working platforms in or at bins is advisable, they shall be ^{platforms} provided, used and maintained in a safe working condition. R.S.O. 1960, c. 241, s. 433.

434.—(1) Guard-rails shall be placed at the approach to ^{Guard-rails} tracks on surface, where mechanical haulage is used and where ^{at track} the view of the tracks is obstructed in one or both directions ^{approaches}.

(2) Where restricted clearances make the use of guard-rails ^{When} impractical in the opinion of an engineer, he may permit ^{impractical} such guard-rails to be omitted but shall require that there be installed at the track approaches a suitable type of warning signal that will automatically give adequate, audible and visible warning at all times of the approach of the conveyance, or that a switchman shall walk ahead of the leading conveyance on the track when the conveyance is in dangerous proximity to the area requiring guarding and stand guard at such approaches. R.S.O. 1960, c. 241, s. 434.

435.—(1) Workmen employed at metallurgical works shall ^{Shields for} be supplied with suitable shields and appliances to protect ^{protection} them as far as possible against being burned with molten ^{against} metal or other material ^{burning}.

(2) It is the duty of all workmen to use such shields and ^{Use} appliances. R.S.O. 1960, c. 241, s. 435.

436. Before any person or persons are allowed to work on ^{Inspection} stock piles of ore, limestone, coke or other material, the stock ^{of stock pile} piles shall be inspected by some authorized person whose duty it is to see that they are in a safe working condition. R.S.O. 1960, c. 241, s. 436.

437. Each scale car shall be provided with an audible ^{Scale cars} warning alarm that shall be sounded by the operator each time a car is started, or each car shall be equipped with an automatic mechanical warning alarm that will sound when the car is moved. R.S.O. 1960, c. 241, s. 437.

438.—(1) Every ladle or slag pot shall be examined before ^{Examination} molten material is placed therein. ^{of moulds,} ^{etc.}

(2) Every effort shall be made to prevent molten material ^{Idem} from coming into accidental contact with cold, damp or rusty surfaces where such contact may cause an explosion. R.S.O. 1960, c. 241, s. 438.

439.—(1) When molten material is transported by me- ^{Filling of} chanical means in ladles or slag pots and the safety of persons ^{moulds, etc.}

may be endangered from splashing, every effort shall be made to ensure that the ladles or slag pots are not filled above a point four inches below the top of the vessel.

Idem

(2) If this limit is exceeded, the ladle or slag pot shall not be moved until the foreman or other responsible person has warned the workmen required to handle the ladle or slag pot of this condition and has warned all persons in the vicinity. R.S.O. 1960, c. 241, s. 439.

Side
clearance
haulage

440. Where mechanical haulage is used on surface and the clearance between the sides of conveyances on parallel tracks or between the sides of conveyances and the side of a building or other structure is less than eighteen inches, the location shall be plainly marked showing the danger. R.S.O. 1960, c. 241, s. 440.

Overhead
clearance

441. At the approach to an overhead bridge, pipe line or a similar structure on a standard-gauge railway track and the clearance is less than six feet between the top of a railway car and the underside of the structure, a "low bridge" warning device shall be installed. R.S.O. 1960, c. 241, s. 441.

Life lines

442. Life lines and belts in good order shall be provided and kept in a secure and readily accessible place for immediate use in case it becomes necessary to rescue a workman from the top rigging, and also for use by a workman whose duties require him to work in an atmosphere that is liable to become dangerous by reason of the presence of noxious gases. R.S.O. 1960, c. 241, s. 442.

Blast furnaces

Ventilation

443. At all furnaces of the hand-filled type, the room at the furnace top, where workmen are engaged, shall be adequately ventilated. R.S.O. 1960, c. 241, s. 443, *amended*.

Protecting
workmen

444. Whenever it becomes necessary for a workman to go above the casting floor, he shall notify the foreman or other responsible person, who shall see that there is always a workman in attendance whose duty it is to remain outside the gaseous area and act as a watcher and give the alarm to the cashouse or stockhouse and render every possible assistance in case of gassing or other danger. R.S.O. 1960, c. 241, s. 444.

Protection
from bustle
pipes

445.—(1) All bustle pipes shall be provided with safe working platforms equipped with hand-rails at least three feet six inches in height and, wherever practicable, the platform shall not rest directly on the bustle pipe, but shall be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a workman falling on it.

(2) Access to the platform shall be by a stairway provided ^{Idem} with hand-rails. R.S.O. 1960, c. 241, s. 445.

446. A suitable line of communication by telephone, gong, ^{Line of communication} or other mechanical means, shall be maintained between the furnace top, and all other dangerous places, to the casthouse, skip operator's room or other place where workmen are continuously on duty. R.S.O. 1960, c. 241, s. 446, *amended*.

447. A suitable ladderway or stairway shall be provided ^{Stairways and ladderways} from the foundation to the top of the furnace. R.S.O. 1960, c. 241, s. 447.

448. Unless an approved type of elevator is provided as a ^{Stairways protected} means of travel to the furnace top, stairways shall be installed at an angle not greater than 50 degrees from the horizontal and shall be provided with landings or turnouts at intervals of not more than twenty-five feet, measured on the slope, so that it will not be possible for a workman to fall from the top to the foundation below. R.S.O. 1960, c. 241, s. 448.

449.—(1) Every foreman shall personally supervise or ^{Supervision of hazardous work} appoint a competent person to supervise any work around the furnace involving unusual accident hazard, such as work in gas mains or cleaners, tearing out linings, work in the cast-house, about the stoves, when blowing in or blowing out, and any work about the bells or stock line. R.S.O. 1960, c. 241, s. 449 (1), *amended*.

(2) He shall also, when the furnace is known to be hanging ^{Idem} and liable to slip, see that no workman is allowed on top for any purpose. R.S.O. 1960, c. 241, s. 449 (2).

450. When ore becomes frozen or jammed in the furnace ^{Protection around bell} hopper or bell and workmen are required to bar the ore into the furnace, a suitable guard-rail shall be provided to prevent workmen slipping on to the bell. R.S.O. 1960, c. 241, s. 450.

451.—(1) There shall be maintained in readily accessible ^{Rescue apparatus} places at all metallurgical plants, where the atmosphere may contain dangerous concentrations of poisonous gases or vapours, detection equipment, breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of material for the proper operation of the apparatus. R.S.O. 1960, c. 241, s. 451 (1), *amended*.

(2) There shall also be on duty in each working shift one ^{Trained personnel} or more persons appointed by the superintendent and trained in the use of breathing and resuscitating apparatus. R.S.O. 1960, c. 241, s. 451 (2).

Steam, Compressed Air

Steam
boilers

452.—(1) Every steam boiler used for generating steam in or about a mine, whether separate or one of a range,

(a) shall have attached to it a proper safety-valve, and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler; and

(b) shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the chief engineer.

Certificate
posted

(2) The certificate of inspection shall be kept posted in the boiler room at all times. R.S.O. 1960, c. 241, s. 452.

Maintenance

453. Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition. R.S.O. 1960, c. 241, s. 453.

Air receivers
and com-
pressors

454.—(1) Every air receiver installed at the surface of a mine and those installed with an air compressor underground shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the chief engineer.

Certificate
posted

(2) The certificate of inspection shall be kept posted in the compressor room at all times.

Examination
and main-
tenance

(3) All intercoolers, aftercoolers, inlet and discharge valves on stationary compressors in operation shall be examined at least once in every twelve months and shall be cleaned when necessary.

Tempera-
ture-indic-
ating device

(4) A temperature-indicating device shall be installed on the high pressure discharge of each compressor.

Idem

(5) The normal operating temperature shall be indicated by a red mark on the scale.

Idem

(6) The temperature shall be recorded at least once a shift.

Exception

(7) Subsections 3 to 6 do not apply to portable compressors, compressors discharging to atmosphere, stationary compressors of less than 300 c.f.m. capacity, banks of compressors with a total capacity of less than 300 c.f.m. discharging to a common receiver, or compressors where the cylinders are not lubricated with oil.

(8) The air receivers mentioned in subsection 1 shall be ^{Examination} examined at least once in every twelve months and shall be ^{of air} cleaned when necessary. ^{receivers}

(9) A book shall be kept in which shall be recorded the date ^{Record of} of every examination and cleaning under subsections 3 and 8 ^{examinations} and a note shall be made as to the condition of the appliance examined or cleaned. R.S.O. 1960, c. 241, s. 454.

PROVISIONS GOVERNING THE USE OF ELECTRICITY

455. In this section and in sections 456 to 594,

^{Interpre-}
tation

1. "accessible", as applied to equipment, means permitting close approach because not guarded by locked doors, elevation or other effective means;
2. "armoured cable" means a cable provided with an outer covering, fabricated from a metal other than lead, which forms an integral part of the assembly of the cable and is designed primarily to afford mechanical protection;
3. "authorized person" means,
 - (a) a qualified person who, because of his duties or occupation, is delegated to approach or handle electrical equipment,
 - (b) any other person who, having been warned of the hazards involved, has been instructed or authorized to approach or handle electrical equipment by some person having authority to give the instructions or authorization;
4. "branch circuit" means the part of a circuit that extends beyond the final over-current devices on the circuit;
5. "circuit" means a path through which electric current can flow;
6. "circuit-breaker" means an electro-mechanical device designed to open, under both overload and short-circuit conditions, a current-carrying circuit without injury to the device;
7. "conductor" means a body so constructed from conducting material that it may be used as a carrier of electric current;

8. "contactor" means a device, operated other than by hand, for repeatedly establishing and interrupting an electric power circuit;
9. "disconnecting means" means a device, group of devices or other means whereby the conductors of a circuit can be disconnected from their source of supply;
10. "electrical equipment" means any apparatus, appliance, device, instrument, fitting, fixture, machinery, material or thing used in or for, or capable of being used in or for, the generation, transformation, transmission, distribution, supply or utilization of electric power or energy, and, without restricting the generality of the foregoing, includes any assemblage or combination of materials or things which is used, or is capable of being used or adapted, to serve or perform any particular purpose or function when connected to an electrical installation, notwithstanding that any such materials or things may be mechanical, metallic or non-electric in origin;
11. "feeder" means a conductor, or group of conductors, which transmits electrical energy from a service supply, transformer, switchboard, distribution centre, generator or other source of supply to branch circuit overcurrent devices;
12. "ground" means a connection to earth obtained by a ground electrode;
13. "ground electrode" means a buried metallic water-piping system or metal object or device buried in or driven into the ground so as to make intimate contact therewith and to which a grounding conductor is electrically and mechanically connected;
14. "grounded" means connected effectively with the general mass of the earth through a grounding system having a current-carrying capacity sufficient at all times, under the most severe conditions that are liable to arise in practice, to prevent a current in the grounding conductor from causing a harmful voltage to exist,
 - (a) between the grounded conductors and neighbouring exposed conducting surfaces that are in good contact with the earth, or
 - (b) between the grounded conductors and neighbouring surfaces of the earth itself;

15. "grounding conductor" means a path of suitable metal specially arranged as a means whereby electrical equipment is electrically connected to a ground electrode;
16. "grounding system" means all conductors, clamps, ground clips, ground plates or pipes and ground electrodes by means of which the electrical installation is grounded;
17. "guarded" means covered, shielded, fenced, enclosed or otherwise protected by means of suitable covers, or casings, barriers, rails or screens, mats or platforms, to remove the likelihood of dangerous contact or approach by persons or objects;
18. "isolating means" means a device, group of devices or other means intended for isolating an electric circuit from its source of power and intended to be operated only after the circuit has been opened by some other means;
19. "mobile", as applied to electrical equipment, means the equipment is specifically designed not to be used in a fixed position;
20. "overcurrent device" means any device capable of automatically opening an electrical circuit both under pre-determined overload and short-circuit conditions either by fusing of metal or by electro-mechanical means;
21. "overload device" means a device affording protection from excess current but not necessarily short-circuit protection, and capable of automatically opening an electric circuit either by the fusing of metal or by electro-mechanical means;
22. "qualified person" means a person familiar with the construction and operation of electrical equipment and the hazards involved;
23. "switch" means a device for making, breaking or changing connections in a circuit, and
 - (a) "general use switch" means a switch that is intended for use in general distribution and branch circuits, is rated in amperes and is capable of interrupting its rated current at rated voltage, and

- (b) "motor circuit switch" means a switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower at the rated voltage;
- 24. "switchboard" means a panel or assembly of panels on which are mounted any combination of switching, measuring, control and protective devices, buses and connections, designed with a view to successfully carrying and rupturing the maximum fault current encountered when controlling incoming and outgoing feeders;
- 25. "utilization equipment" means equipment, devices and connected wiring that utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of the supply equipment, supply lines or communication lines;
- 26. "visible break", where applied to a disconnecting means, means a switch or device wherein the separation between all members of the movable and the fixed current-carrying parts may be readily determined by visual inspection;
- 27. "voltage" or "volts" means the highest effective difference of potential between the conductors of the circuit concerned;
- 28. "voltage to ground" means,
 - (a) in grounded circuits, the highest effective difference of potential between any wire of the circuit and ground,
 - (b) in ungrounded circuits, the highest effective difference of potential existing in the circuit;
- 29. "wire gauge" means the standard known as A.W.G. (American Wire Gauge) or B. & S. (Brown and Sharpe) wire gauge. R.S.O. 1960, c. 241, s. 455, *amended*.

GENERAL

Disconnection when mine abandoned

456. In case of the abandonment of a mine, the owner, manager or superintendent shall cause such station or stations supplying power to and being the property of the mine to be disconnected from the power source and within fourteen days

shall notify the chief engineer in writing that the disconnection has been made. R.S.O. 1960, c. 241, s. 517.

457. Electrical equipment shall be designed, installed and maintained in compliance with the requirements of this Act. ^{General}
R.S.O. 1960, c. 241, s. 461, *amended*.

458. The current edition of the Canadian Electrical Code, ^{Accepted standard}
Part I, shall be accepted as good practice in the installation of electrical equipment except where it may conflict with the sections herein set forth. R.S.O. 1960, c. 241, s. 457, *amended*.

459. All electrical equipment shall be of such construction ^{Hazard free}
and so installed and maintained as to reduce life and fire hazard as far as practicable. R.S.O. 1960, c. 241, s. 458.

460. All electrical equipment shall be suitably identified ^{Identification of equipment}
where necessary for safety. R.S.O. 1960, c. 241, s. 459.

461. Electrical equipment shall show a plate bearing the ^{Nameplate required}
maker's name and all other ratings, such as horsepower, voltage or current, necessary to prove its suitability. R.S.O. 1960, c. 241, s. 460, *amended*.

462.—(1) Where electrical apparatus is used at a mine, it ^{Competent person in charge}
shall be in charge of an authorized person who shall be qualified by experience to handle such apparatus.

(2) Every person operating or having charge of electrical ^{Idem}
apparatus shall have been instructed in his duty and shall be competent to perform the work that he is set to do.

(3) Repairs, extensions and changes to existing electrical ^{Idem}
installations shall be made only by qualified persons. R.S.O. 1960, c. 241, s. 456.

463. Temporary wiring and equipment that is not in ^{Temporary installations}
compliance with this Act may be used in an emergency, but only when under competent supervision or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons, and such temporary installations are permissible only for the period of the emergency. R.S.O. 1960, c. 241, s. 464.

464.—(1) Defective equipment shall be put in good order ^{Defective equipment}
or permanently disconnected.

(2) Defective wiring shall be repaired or removed. ^{Defective wiring}
R.S.O. 1960, c. 241, s. 462.

Work on live equipment 465.—(1) No repairs or alterations shall be carried out on any live equipment exceeding 300 volts to ground, except where complete disconnection of the equipment is not practicable.

Idem (2) If the adjustment or repairs must be made while the equipment is alive, all necessary precautions shall be taken to ensure that the work may be done safely.

Idem (3) In places where explosive or highly-flammable materials or gases are present, repair or alteration shall not be made on any live equipment. R.S.O. 1960, c. 241, s. 466.

Locking or tagging switches 466.—(1) All switches controlling apparatus shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus.

Idem (2) Notices placed on electrical equipment shall be of non-conducting materials. R.S.O. 1960, c. 241, s. 463.

Fire-extinguishing appliances 467.—(1) Where installed electrical apparatus presents a fire hazard, each room or space shall be provided with an adequate approved fire-extinguishing appliance, conveniently located and conspicuously marked. R.S.O. 1960, c. 241, s. 465 (1).

Idem (2) Any fire-extinguishing appliance that has not been approved for use on live parts shall not be placed in a room containing electrical apparatus or exposed lines unless a sign is mounted at the appliance warning against its use on electrical fires. R.S.O. 1960, c. 241, s. 465 (2), *amended*.

GROUNDING

Protection from mechanical injury 468. Grounding conductors shall have adequate protection where exposed to mechanical injury. R.S.O. 1960, c. 241, s. 471.

Circuits to be grounded 469.—(1) One conductor of all circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having a primary voltage exceeding 750 volts, except where such circuits form part of a control circuit or signalling system the grounding of which would affect the reliability of service.

Idem (2) Three-wire single-phase circuits not exceeding 300 volts between outer conductors shall have the neutral grounded.

Idem (3) One conductor of the secondary circuits of all instrument transformers shall be grounded unless the circuits are

installed and guarded as required for the high-voltage circuits of the transformers. R.S.O. 1960, c. 241, s. 472.

470.—(1) For grounding A.C. circuits, the grounding conductors shall have adequate current-carrying capacity and shall be not less than No. 8, A.W.G. R.S.O. 1960, c. 241, s. 473 (1), *amended*. Size of circuit grounding conductor

(2) The grounding conductor for secondary circuits of instrument transformers shall not be smaller than the conductors of the secondary circuit. R.S.O. 1960, c. 241, s. 473 (2). Idem

471.—(1) The exposed non-current-carrying metal parts of all electrical equipment shall be grounded when practicable, Equipment to be grounded

(a) for all equipment over 150 volts; and

(b) for all equipment under 150 volts where the exposed non-current-carrying metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls.

(2) Grounded surfaces within five feet horizontally of the parts considered or within eight feet vertically of the floor shall be considered within reach. R.S.O. 1960, c. 241, s. 474. Idem

472.—(1) The minimum size of grounding conductor for raceways and fixed equipment shall be not less than that provided by a copper conductor of a size indicated in the following table: Size of equipment grounding conductor

MINIMUM SIZE OF GROUNDING CONDUCTOR FOR
RACEWAYS AND EQUIPMENT

Rating or Setting of Automatic Overcurrent Device in Circuit Ahead of Equipment, Conduit, etc., Not Exceeding—Amperes	Size of Grounding Conductor			
	Copper Wire AWG	Alum. Wire AWG	Conduit or Pipe Inch	Electrical Metallic Tubing Inch
20	16*	14*	1/2	1/2
30	14	12	1/2	1/2
40	12	10	1/2	1/2
60	10	8	1/2	1/2
100	8	6	1/2	1/2
200	6	4	1/2	1
400	4	2	3/4	1 1/4
600	2	0	3/4	1 1/4
800	0	00	1	2
1000	00	000	1	2
1200	000	0000	1	2

*Permissible only when part of an approved cable assembly.

Idem (2) Where the grounding conductor is run outside the cable armour or conduit enclosing the associated circuit conductors, the minimum size of such a grounding conductor shall be No. 8, A.W.G. R.S.O. 1960, c. 241, s. 475, *amended*.

Grounding conductor size for portable equipment 473. Flexible cord used to supply portable equipment having a rating of fifteen amperes or less at voltages not exceeding 250 volts shall have included in the cord assembly a grounding conductor whose size shall be,

(a) not smaller than No. 16, A.W.G. if uninsulated, or No. 18, A.W.G. if insulated; and

(b) at least the same size as the current-carrying conductors, except that, in cords of No. 12, A.W.G. and larger, it may be two A.W.G. sizes smaller than the other conductors. R.S.O. 1960, c. 241, s. 476, *amended*.

Means of attachment to circuits and equipment 474. The grounding conductor, bond or bonding jumper shall be attached to circuits, conduits, cabinets, equipment and the like, which are to be grounded, by means of suitable lugs, pressure connectors, clamps or other approved means. R.S.O. 1960, c. 241, s. 477, *amended*.

Material for grounding conductors 475. The grounding conductor shall be of copper or other metal that will not corrode excessively under the existing conditions. R.S.O. 1960, c. 241, s. 478, *amended*.

Piping system used as ground 476.—(1) Ground connections to metallic water or air systems shall be made beyond any point liable to disconnection.

Idem (2) Main water or air lines shall be substantially bonded together for this purpose, but shall, unless connected to a buried piping system of considerable extent that will provide a low-resistance ground, be connected to an artificial ground electrode. R.S.O. 1960, c. 241, s. 479, *amended*.

Means of attachment to ground electrode 477. The grounding conductor shall be connected to the grounding electrode by means of substantial ground clamp or other equivalent means. R.S.O. 1960, c. 241, s. 480 (1).

Artificial electrodes 478.—(1) Artificial ground electrodes shall consist of driven pipes, rods, buried plates or other devices acceptable for the purpose.

Idem (2) Electrodes of iron or steel pipe shall be not less than $\frac{3}{4}$ -inch internal diameter and shall be galvanized.

(3) Rod electrodes shall be not less than $\frac{5}{8}$ -inch in diameter ^{Idem} if of iron or steel or $\frac{1}{2}$ -inch in diameter if of non-ferrous metal. R.S.O. 1960, c. 241, s. 481, *amended*.

479. The grounding system shall be connected to the body ^{Resistance of electrodes} of the earth, on the surface, through the lowest resistance earth-contact possible. R.S.O. 1960, c. 241, s. 482.

480. The earth-contact of the main grounding system and supplementary earth-contacts shall be provided with means to facilitate measurement of earth-contact resistances. ^{Resistance measurement} R.S.O. 1960, c. 241, s. 483.

WIRING METHODS

481. Conductors shall be suitable for the location, use and ^{Types of} voltage of the circuit and shall have sufficient current-carrying capacity for the current they are required to carry. ^{conductors} R.S.O. 1960, c. 241, s. 467 (1).

482. Portable conductors supplying mobile equipment ^{Portable power} operating at more than 300 volts shall conform with the ^{conductors} following specifications:

1. The cable shall have a voltage rating not less than 50 per cent higher than the normal operating voltage of the circuit.
2. Cable of standard rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit where the neutral point is grounded in such a manner as to,
 - (a) limit fault current; and
 - (b) limit the possible rise of fault potential on any connected equipment to a maximum of 100 volts,

and where ground fault protection is provided.

3. All conductors including grounding conductors shall be contained in one flexible, jacketed cable assembly.
4. Where the cable contains both the power circuit and its remote control circuit, each circuit conductor shall be insulated, as required by paragraphs 1 and 2, for the highest potential employed in the cable, except that, where sheathing, as in paragraph 10, is provided, the control conductors need only be insulated for their normal operating voltage.

5. The minimum size of the power conductors shall be No. 12, A.W.G.
6. The cable shall contain as many grounding conductors as power conductors and the grounding conductors shall be located in the outer interstices between the power conductors.
7. Remote control conductors contained in the cable need not be considered power conductors in determining the number of grounding conductors.
8. The grounding conductors contained in the cable shall be uninsulated and shall have a total conductance of not less than 60 per cent of the largest power conductor.
9. The minimum size of each grounding conductor shall be not less than No. 12, A.W.G.
10. Cables on circuits operating over 750 volts shall have a grounded sheathing, consisting of tinned copper wire mesh, or the equivalent, around each power conductor, and this sheathing shall be, throughout the length of the cable, in contact with the interstitial grounding conductors.
11. Where connectors are used to attach cables to mobile equipment, the cable shall be secured in such a manner as to prevent mechanical damage.
12. Portable cable used to supply equipment in underground workings shall have an outer jacket of a material that will not support combustion and shall be continuously identified as having such a jacket. R.S.O. 1960, c. 241, s. 470, *amended*.

Guarding of
live parts

483. All exposed current-carrying parts of electrical equipment, such as bus-bars, conductors and terminals, operating at over 150 volts, shall be,

- (a) armoured;
- (b) enclosed in a suitable raceway; or
- (c) isolated by elevation or guarded. *New*.

A.C. circuits
in raceways

484. All conductors of an A.C. circuit shall be contained in the same raceway. R.S.O. 1960, c. 241, s. 467 (3), *amended*.

485. Where conductors of different systems are installed in the same raceway or armouring, each conductor shall be insulated for the highest potential employed or, in the case of a raceway, separated by a suitable barrier. *New.* Conductors of different systems in raceways or armouring

486. Conductors of different systems shall not be installed in the same box, cabinet or auxiliary gutter unless effectively separated by barriers. R.S.O. 1960, c. 241, s. 491, *amended.* Conductors of different systems in enclosures

487. Identifying barriers shall be provided between circuits where more than one set of disconnecting switches are installed adjacent to each other. R.S.O. 1960, c. 241, s. 494, *amended.* Barriers

488. Metal-covered and insulated conductors in conduit, where joined to transformers, motors, switchgear and other apparatus, shall have their metal coverings secured to such apparatus by clamps, locknuts or other devices to protect the insulated conductors from mechanical injury. R.S.O. 1960, c. 241, s. 469. Connections to apparatus

PROTECTION AND CONTROL

489.—(1) The type and rating of protective and control devices shall be suitable for their use. *New.* Type and rating of protective and control devices

(2) All protective and control devices installed outdoors shall be of a design suitable for their location. R.S.O. 1960, c. 241, s. 502, *amended.* Idem

490.—(1) Each ungrounded conductor shall be protected by an overcurrent device at the point where it receives its supply of current and at each point where the size of the conductor is decreased, except that such protection may be omitted, Overcurrent devices required

- (a) where the branch circuit is not more than twenty-five feet in length;
- (b) where the protection for a larger conductor adequately protects a smaller; and
- (c) where the opening of the circuit may cause special hazard by the interruption of service or removal of protection. R.S.O. 1960, c. 241, s. 495 (1, 4), *amended.*

(2) The rating or setting of the protective device shall not exceed the allowable current-carrying capacity of the circuit conductors except in the case of branch motor circuits where Idem

the rating or setting of the device may be increased sufficiently to take care of motor-starting currents. R.S.O. 1960, c. 241, s. 495 (2), *amended*.

Idem

(3) Unless the opening of the device disconnects all circuit conductors at the same time, no manually-operated or automatically-operated disconnecting device shall be placed in a neutral or grounded conductor. R.S.O. 1960, c. 241, s. 495 (3).

Enclosure
of over-
current
devices

491. Overcurrent devices shall be enclosed in cut-out boxes or cabinets unless they form a part of an approved assembly that affords equivalent protection or unless mounted on switchboards, panel-boards, or controllers located in rooms or enclosures free from easily ignitable material and dampness, and accessible only to authorized persons. R.S.O. 1960, c. 241, s. 497, *amended*.

General

492.—(1) Suitable control devices shall be inserted in all feeders and branch circuits. R.S.O. 1960, c. 241, s. 484 (1).

Idem

(2) All control devices shall be readily and safely accessible to authorized persons and shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them and shall indicate whether they are open or closed. R.S.O. 1960, c. 241, s. 503 (1), *amended*.

Rating of
control
devices

493.—(1) Control devices shall have ratings suitable for the connected load of the circuits they control and, with the exception of isolating switches, shall be capable of interrupting such loads. R.S.O. 1960, c. 241, s. 486 (1), *amended*.

Grouping
of control
devices

(2) Control devices shall be grouped where practicable. R.S.O. 1960, c. 241, s. 484 (3), *amended*.

Location of
control
devices

(3) All control devices shall be so arranged that the operating mechanisms are readily accessible to the operator. R.S.O. 1960, c. 241, s. 524.

Enclosure
of control
devices

494.—(1) Control devices, unless they are located or guarded so as to render them inaccessible to unauthorized persons and to prevent fire hazards, shall have all current-carrying parts in enclosures of metal or other fire-resisting material. R.S.O. 1960, c. 241, s. 490, *amended*.

Idem

(2) Manually-operable control devices shall be so constructed that they may be switched to the "off" position without exposing live parts.

(3) Manually-operable control devices shall clearly indicate the "on" and "off" positions. R.S.O. 1960, c. 241, s. 487 (1), *amended*. Idem

495. Control devices shall, if practicable, be so connected that the blades or moving contacts will be dead when the device is in the open position. R.S.O. 1960, c. 241, s. 485. Connection of control devices

496. Control devices used in combination with overcurrent devices or overload devices for the control of circuits or apparatus shall be connected so that the overcurrent or overload devices will be dead when the control device is in the open position. R.S.O. 1960, c. 241, s. 489, *amended*. Control devices ahead of overcurrent devices

497.—(1) Disconnecting means of the visible-break type shall be installed on all circuits operating at over 300 volts to ground and shall be as near as practicable to the point of supply. R.S.O. 1960, c. 241, s. 493 (2), *amended*. Visible break requirement

(2) Unless a control device on circuits over 300 volts makes a visible break, there shall be installed between the control device and its point of supply a suitable disconnecting switch. R.S.O. 1960, c. 241, s. 493 (1). Idem

498.—(1) On each ungrounded utilization system over 300 volts, at least one suitable device shall be installed and maintained for the purpose of indicating ground faults. Ground fault detector requirement

(2) Such device shall be provided with, Idem

(a) short-circuit protection; and

(b) disconnecting means.

(3) If the short-circuit device does not provide for visible-break isolation, additional visible-break isolating means shall be provided. Idem

(4) When a ground fault is indicated, it shall be located and removed as soon as practicable. R.S.O. 1960, c. 241, s. 500, *amended*. Idem

499. Adequate illumination shall be provided to allow for proper operation of electrical equipment. R.S.O. 1960, c. 241, c. 521, *amended*. Illumination of equipment

500. Where electrical equipment requires an attendant, there shall be provided a separate emergency source of illumination from an independent generator, storage battery or other suitable source. R.S.O. 1960, c. 241, s. 522, *amended*. Emergency illumination of equipment

INSTALLATION OF EQUIPMENT

Working
space

501. Adequate clear working space with secure footing shall be provided about all electrical equipment. R.S.O. 1960, c. 241, s. 507, *amended*.

Transformers

General

502. Transformers shall be of a type and design suitable for the location in which they are to be installed. R.S.O. 1960, c. 241, s. 531 (1).

Nameplate
required
for
transformers

503. Each transformer shall be provided with a nameplate bearing the following markings:

1. Maker's name.
2. Rating in kva.
3. Rated full load temperature rise.
4. Primary and secondary voltage ratings.
5. Frequency in cycles per second.
6. Liquid capacity, if of the liquid-filled type.
7. Type of liquid to be used, if it is to be filled with an approved liquid that will not burn in air. R.S.O. 1960, c. 241, s. 531 (2, 3), *amended*.

Isolation
and guard-
ing of
transformers

504. Transformers having a voltage rating in excess of 750 volts and all transformers having exposed terminals, including their conductors and control and protective devices, shall be accessible only to authorized persons and, unless isolated by elevation, they shall be surrounded by an enclosure that, if of metal, shall be grounded, and suitable warning signs indicating the highest potential employed shall be conspicuously posted. R.S.O. 1960, c. 241, s. 532, *amended*.

Special
transformers

505.—(1) Dry-core type transformers with Class A insulation, if installed within a building not of fire-resisting construction, shall be in a fire-resisting enclosure.

Idem

(2) Transformers containing an approved liquid that will not burn in air and transformers of the dry-core type with Class B or Class C insulation may be installed within or attached to the wall of a building not of fire-resisting construction, if they are surrounded by a suitable enclosure to prevent mechanical injury and access by unauthorized persons. R.S.O. 1960, c. 241, s. 533.

506.—(1) Oil-filled transformers installed outdoors shall be located not less than fifty feet distant from the shafthouse or any combustible building attached thereto, and means shall be provided to contain escaping oil or to direct the flow away from such buildings. ^{Liquid-filled transformers}

(2) Oil-filled transformers shall not be mounted on or above combustible roofs and, if attached to the exterior of a building other than a transformer-house, shall be placed only against non-combustible walls and away from all openings. ^{Idem}
R.S.O. 1960, c. 241, s. 534 (1, 2).

(3) Transformer buildings containing oil-filled transformers, if not entirely of fire-resisting construction, shall be located at least fifty feet distant from any other combustible building. R.S.O. 1960, c. 241, s. 535, *amended*. ^{Idem}

(4) Oil-filled transformers, if within a building other than a transformer-house, shall be in a vault. R.S.O. 1960, c. 241, s. 534 (3), *amended*. ^{Idem}

(5) Transformers having their cores immersed in a liquid that will not burn in air may be installed without a vault if, ^{Idem}

(a) the transformer is protected from mechanical damage either by location or guarding;

(b) a pressure relief vent is provided where the rating exceeds 25 kva at 25 cycles or $37\frac{1}{2}$ kva at 60 cycles; and

(c) a means of absorbing gases generated by arcing inside the case, or a pressure relief vent connected to outdoors, is provided where the transformer is installed in a poorly-ventilated section. *New*.

507.—(1) When primaries are above 750 volts, secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact with persons, shall be in permanently-grounded conduit or armour. R.S.O. 1960, c. 241, s. 539, *amended*. ^{Instrument transformers}

(2) Secondary circuits of current transformers shall be provided with means for short-circuiting them that can be readily connected while the primary is energized and that are so arranged as to permit the removal of any instrument or other device from the circuits without opening the circuits. ^{Idem}
R.S.O. 1960, c. 241, s. 538.

508. Each transformer or each bank of transformers operating as a unit shall have overcurrent protection. R.S.O. 1960, c. 241, s. 537, *amended*. ^{Overcurrent protection for transformers}

Control and protection requirements 509.—(1) Control and protective devices, complying with one of the following, shall be installed for all power and distribution transformers:

1. Circuit-breakers of adequate interrupting capacity and rating.
2. Fuses of adequate rating and interrupting capacity preceded by suitable group-operated visible-break load-interrupting devices capable of making and interrupting their full load rating and that may be closed with safety to the operator with a fault on the system.
3. Fuses of adequate rating and interrupting capacity preceded by a group-operated visible-break air-break switch capable of interrupting the magnetizing current of the transformer installation and that may be closed with safety to the operator with a fault on the system and so interlocked with the transformer secondary load interrupters as to prevent its operation under load.

Idem (2) Where the transformer rating does not exceed 100 kva per phase and the potential between phases does not exceed 7,200 volts, a single-pole disconnecting fuse of adequate interrupting capacity may be used on the primary. R.S.O. 1960, c. 241, s. 536, *amended*.

Switchboards and Switchgear

General 510. Panels of switchboards shall be of incombustible material and shall be substantially supported on a metal framework. R.S.O. 1960, c. 241, s. 523.

Illumination of switchboards 511. Adequate illumination shall be provided for reading instruments and other operations. R.S.O. 1960, c. 241, s. 526.

Location of switchgear 512. Switchgear, if not of the dead-front or enclosed type, and live parts on the rear of dead-front switchboards shall be inaccessible to unauthorized persons. R.S.O. 1960, c. 241, s. 528, *amended*.

Clearance back of switchboard 513.—(1) There shall be a space of not less than three feet between equipment on the back of a fixed switchboard and the nearest adjacent wall when such equipment is less than seven feet from the floor.

Ingress and egress (2) Ready means for ingress and egress to the space behind the switchboard shall be provided.

(3) Doors or gates of suitable material may be provided ^{Doors, etc.} at such points for guarding-purposes but they shall be capable of being readily opened from the inside without the use of a key or tool.

(4) The space behind the switchboard shall be kept clear ^{Space to be kept clear} of foreign material and shall not be used for storage purposes. R.S.O. 1960, c. 241, s. 525, *amended*.

Transmission Lines

514. All electrical supply lines and equipment shall be of ^{General} suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce the life hazard as far as practicable. R.S.O. 1960, c. 241, s. 540.

515. Conductors and other current-carrying parts of supply ^{Isolation and guarding} lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible or shall be provided with guards so as to isolate them effectively from accidental contact of person. R.S.O. 1960, c. 241, s. 541.

516. Where conductors over 300 volts are attached to any ^{Entrance to buildings} building for entrance, they shall be isolated by elevation or guarded. R.S.O. 1960, c. 241, s. 542, *amended*.

517.—(1) Supply lines carried over railways operated by ^{Clearance over railways} steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and the clearances overhead as called for in the regulations of the Board of Transport Commissioners for Canada.

(2) Supply lines crossing over railways on which standard ^{Idem} equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported. R.S.O. 1960, c. 241, s. 543.

Storage batteries

518. Storage batteries shall be kept in inaccessible battery ^{Location of storage batteries} rooms or enclosures used for no other purpose where,

- (a) the aggregate capacity at the eight-hour discharge rate exceeds five kilowatt hours; and
- (b) the batteries are in unsealed jars or tanks. R.S.O. 1960, c. 241, s. 570, *amended*.

Ventilation
of
battery
rooms

519.—(1) Storage battery rooms shall be thoroughly ventilated.

Idem

(2) Adequate means shall be provided for sufficient diffusion and ventilation of the gases from the battery to prevent the accumulation of an explosive mixture. R.S.O. 1960, c. 241, s. 571, *amended*.

Lightning Arresters

Indoor
installation
of lightning
arresters

520. Where lightning arresters are installed in a building, they shall be located well away from all equipment, other than that which they protect, and from passageways and combustible parts of buildings. R.S.O. 1960, c. 241, s. 556, *amended*.

Location
of lightning
arresters

521. Lightning arresters installed for the protection of utilization equipment,

(a) may be installed either inside or outside the building or enclosure containing the equipment to be protected; and

(b) shall be isolated by elevation or guarded. R.S.O. 1960, c. 241, s. 558, *amended*.

Grounding

522.—(1) All non-current-carrying parts of lightning arresters shall be grounded, unless effectively isolated by elevation or guarded as required for live parts of the voltage of the circuit to which the arrester is connected. R.S.O. 1960, c. 241, s. 557.

Idem

(2) Grounding conductors for lightning arresters on power transmission systems shall be run as directly as possible and be of low resistance and ample capacity. R.S.O. 1960, c. 241, s. 560.

Idem

(3) In no case shall such grounding conductors be less than No. 6 copper wire, nor shall such grounding conductors pass through metal conduits unless electrically connected to both ends of the conduits. R.S.O. 1960, c. 241, s. 561.

Motors

Control
required

523.—(1) All motors shall be provided with proper starting equipment rated in horsepower and, for all motors up to 50 horsepower, except as provided for below, the motor and its starting equipment shall be controlled by a motor-circuit switch that will disconnect all ungrounded conductors of the circuit, leaving the motor and entire starting equipment dead.

(2) An isolating switch or a general-use switch treated as an ^{Idem} isolating switch may be used for motors of more than 50 horsepower. R.S.O. 1960, c. 241, s. 508.

524.—(1) For all motors up to 750 volts, the motor-circuit switch shall have a horsepower rating not less than that of the motor it controls. ^{Rating of control}

(2) Where a general-use switch or an isolating switch is ^{Idem} used for motors of more than 50 horsepower, it shall have a rating not less than 115 per cent of the current rating of the motor as shown on the nameplate and a minimum rating of 200 amperes. R.S.O. 1960, c. 241, s. 509.

525. In all cases, the motor-circuit switch, general-use switch or isolating switch shall be of the visible-break type. ^{Visible-break requirement} R.S.O. 1960, c. 241, s. 510.

526. One motor-circuit switch may serve a group of motors if the motors drive several parts of a single machine or apparatus. ^{Single disconnecting means for a group of motors} R.S.O. 1960, c. 241, s. 511.

527. Manually-operated motor starters of the compensator type, having both a starting and running position, shall be so designed that they cannot remain in the starting position. ^{Starters having different starting and running position} R.S.O. 1960, c. 241, s. 513.

528. Motors shall be disconnected from the source of supply in case of low voltage by one of the following means unless it is evident that no hazard will be incurred through the lack of such disconnection: ^{Under-voltage protection required}

1. Where automatic re-starting is liable to create a hazard, the motor control device shall provide low-voltage protection.
2. Where it is necessary or desirable that a motor stop on failure or reduction of voltage and automatically re-start on return of voltage, the motor control device shall provide low-voltage release. R.S.O. 1960, c. 241, s. 514, *amended*.

529. Each motor shall be suitably protected against continuous overload. ^{Overload protection required} R.S.O. 1960, c. 241, s. 515, *amended*.

CRANES

530.—(1) Crane collector wires shall be isolated by elevation and, where necessary, guarded. ^{Guarding and isolation} *New*.

Disconnect-
ing means

(2) Suitable means that will disconnect, under load, all ungrounded conductors of the circuit supplying a crane, as defined in subsection 1 of section 401, shall be,

- (a) provided within sight of the main contact conductors or within sight of the equipment if there are no main contact conductors; and
- (b) accessible and operable from the ground or the floor over which the equipment operates. R.S.O. 1960, c. 241, s. 568, *amended*.

Switch
required
in cab

531. A circuit-breaker or switch, capable of interrupting the circuit under heavy loads, shall be used unless the current collector can be safely removed, under heavy loads, from the crane collector wires. R.S.O. 1960, c. 241, s. 569, *amended*.

TROLLEY WIRES

Guarding
and isolation

532. Trolley lines shall be isolated by elevation and, where necessary, guarded. R.S.O. 1960, c. 241, s. 573, *amended*.

Require-
ments for
trolley lines
underground

533. In underground workings, trolley lines shall,

- (a) be isolated by an elevation of not less than six feet;
- (b) operate at a potential not exceeding 300 volts to ground;
- (c) be effectively guarded. R.S.O. 1960, c. 241, s. 574, *amended*.

LIGHTING

Maximum
operating
voltage

534. The operating voltage of a lighting circuit shall not exceed 300 volts and the voltage to ground of a conductor shall not exceed 150 volts, but this section does not apply in the case of electric locomotives and cranes using direct current. R.S.O. 1960, c. 241, s. 564.

Neutral
identification

535. The neutral conductor on lighting circuits shall be identified by a white braid covering or other equivalent means. R.S.O. 1960, c. 241, s. 565.

Portable
hand lamps

536. Portable lamps shall have their sockets enclosed in suitably-insulated handles through which the conductors shall be carried and shall have a protective cage that encloses the lamp. R.S.O. 1960, c. 241, s. 563 (1), *amended*.

WIRING IN EXPLOSIVES AND BLASTING AGENTS STORAGES

537. All electrical wiring in explosives or blasting agents ^{General} magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses, shall be installed in rigid conduit with screwed water-tight joints or shall be armoured, moisture-proof cable. R.S.O. 1960, c. 241, s. 544, *amended*.

538. All conduit, armour, fittings and fixtures shall be ^{Grounding} permanently grounded. R.S.O. 1960, s. 241, s. 545.

539. The switches and fuses for lighting, heating or tele- ^{Location of control and protection} phone circuits for explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be in a fire-resisting cabinet located outside the compartment in which explosives, blasting agents, fuses or detonators, or blasting caps, are stored. R.S.O. 1960, c. 241, s. 546, *amended*.

540. Lighting fixtures shall be of an approved dust-tight ^{Type of lighting fixtures required} type. R.S.O. 1960, c. 241, s. 548.

541. Lighting circuits shall be fused at not more than ^{Fusing of lighting circuits} 10 amperes. R.S.O. 1960, c. 241, s. 547.

542. Circuits supplying power to explosives or blasting ^{Lightning protection} agents storage shall be protected against lightning surges. *New*.

543. Where explosives or blasting agents magazines or cap ^{Type of heating required} and fuse houses are heated electrically, a closed, liquid system shall be used. R.S.O. 1960, c. 241, s. 549, *amended*.

544. The electric heater shall be installed outside the com- ^{Location of heater} partment in which the explosives or blasting agents are stored, and the heater and radiators shall be grounded. R.S.O. 1960, c. 241, s. 550, *amended*.

545. Heater circuits shall be fused at not more than ^{Fusing of heater circuits} 125 per cent of normal current. R.S.O. 1960, c. 241, s. 551.

ELECTRIC BLASTING DEVICES

546. The firing device used for firing charges with elec- ^{Construction} tricity from lighting or power cables shall be so arranged that,

- (a) the switch mechanism will automatically return by gravity to the open position;

- (b) the live side of such device is installed in a fixed locked box and shall be accessible only to the authorized blaster;
- (c) provision is made that the leads to the face are short-circuited when the contacts of the electric blasting device are in the open position;
- (d) the box in which the electric blasting device and the short-circuiting device are mounted is provided with a lock and the door is so arranged that it cannot be closed or locked unless the contacts of the electric blasting device are open and the short-circuiting device is in place;
- (e) where electricity from 550-volt circuits is used for blasting, the device shall be electro-magnetically operated, except as provided in section 254. R.S.O. 1960, c. 241, s. 553.

Precautions
re instal-
lation of
blasting
cables

547. When blasting cables or wires are installed in the vicinity of power or lighting cables, proper precautions shall be taken to prevent the blasting cables or wires coming in contact with the lighting or power cables. R.S.O. 1960, c. 241, s. 554.

Circuits
not to be
grounded

548. Circuits having a grounded conductor shall not be used for blasting. R.S.O. 1960, c. 241, s. 555.

ELECTRIC HOISTS

General

549. Sections 550 to 575 apply to all electric hoists regardless of the method of operation. *New.*

Braking

550.—(1) For each electric hoist, protective devices shall be provided, which, in conjunction with the mechanical braking system, shall be capable of bringing a conveyance or counterbalance safely to rest under all conditions of authorized loading, direction of travel and speed without assistance from the drive.

Idem

(2) Where supplementary electrical braking is employed, at least the same degree of safety shall be supplied. R.S.O. 1960, c. 241, s. 575, *part, amended.*

Safety
requirement

551. Except where otherwise specified, current-carrying parts of any safety device shall be so designed, installed and maintained that the failure of any such part will initiate emergency braking action to bring the hoist safely to rest. R.S.O. 1960, c. 241, s. 575, *part, amended.*

552. Devices shall be installed in each hoisting compartment that, in the event of an overwound conveyance or counterbalance, shall be operated directly by the conveyance or counterbalance to initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage. ^{Track limits required for overwind protection} R.S.O. 1960, c. 241, s. 575, *part, amended*.

553. Devices shall be installed for each hoisting compartment that, in the event of an underwound conveyance or counterbalance, shall initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage, except that, in the case of shaft sinking, inspection and maintenance, the protection for an underwound conveyance or counterbalance may be dispensed with. ^{Underwind protection required} R.S.O. 1960, c. 241, s. 575, *part, amended*.

554. Devices, driven from the operating drum or drums, shall be installed, where the hoist operates at a rope speed of 750 feet per minute or greater, that, in the event of an overwound or underwound conveyance or counterbalance, will initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments meet any obstruction to its free passage, except that, in the case of shaft sinking, inspection and maintenance, the protection for an underwound conveyance or counterbalance may be dispensed with. ^{Overwind and underwind requirements for high-speed hoists} R.S.O. 1960, c. 241, s. 575, *part, amended*.

555. Each electric hoist shall have installed a device that will initiate an emergency stop and bring the conveyance or counterbalance to rest safely should the rope speed exceed the authorized maximum by a predetermined amount. ^{Overspeed} R.S.O. 1960, c. 241, s. 575, *part, amended*.

556. Devices, driven from the operating drum or drums, shall be installed where the hoist operates at a rope speed of 750 feet per minute or greater, that will enforce any necessary reduction in speed as the conveyance approaches the end of travel. ^{Enforced slowdown} R.S.O. 1960, c. 241, s. 575, *part, amended*.

557. No person shall alter the adjustment of any protective device without proper authority. ^{Adjustment of protective devices} R.S.O. 1960, c. 241, s. 575, *part, amended*.

558.—(1) Where ore or waste dumps, loading boxes or spill-doors are installed in a shaft or winze at points other than the upper and lower limits of normal travel of a conveyance ^{Intermediate obstructions}

and where any part of such dump box or door interferes with the free passage of a conveyance, there shall be installed,

- (a) travel-limiting devices;
- (b) travel-limiting devices as required by section 554, where required;
- (c) enforced slow-down devices as required by section 556, where applicable;
- (d) positive locking devices for maintaining such obstructions out of the operating position in the shaft or winze.

Idem

(2) The manager, or his agent, of a mine employing such an intermediate obstruction shall provide a procedure to be followed to ensure the safe operation of the installation.

Idem

(3) Before such an installation is made, plans and procedure shall be submitted to the chief engineer for approval. R.S.O. 1960, c. 241, s. 575, *part, amended*.

Protection
required
for hoist
electrical
system

559. Emergency braking action shall be initiated to bring a conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage in the event of,

- (a) the failure of the power supply to the hoist electric system;
- (b) an overload on the hoist-drive motors of a magnitude and duration exceeding what would be considered an operating overload; or
- (c) a short-circuit on the hoist electric system. R.S.O. 1960, c. 241, s. 576, *amended*.

Backout

560.—(1) Every electric hoist shall have installed a device to enable a conveyance or counterbalance to be removed from an overwound or underwound position.

Idem

(2) Every such device shall be manually operable only. R.S.O. 1960, c. 241, s. 577, *amended*.

Emergency
switch

561. A manually-operable switch shall be installed for each electric hoist within reach of the manual controls that will, when operated, initiate emergency braking action to bring the conveyance or counterbalance safely to rest. R.S.O. 1960, c. 241, s. 579, *amended*.

562. An underwind by-pass switch may be installed, where ^{Underwind by-pass switch} necessary, that will allow the conveyance to be lowered through the underwind position if it is held in the closed position by the hoistman and will return automatically to the open position when not so held. R.S.O. 1960, c. 241, s. 578.

563. Each electric hoist shall have installed, within plain ^{Load meter required} view of the manual controls, a meter that will indicate, at all times, the hoist motor load. R.S.O. 1960, c. 241, s. 580, *amended*.

564.—(1) Where men are transported in skips or the skips ^{Man-safety requirements} of skip-cage assemblies, there shall be installed a device that will prevent the conveyance, carrying the men, from entering the dumping position.

(2) Except in shaft sinking, such device shall be so installed ^{Idem} that, when it is put into operation, a distinctive signal will be given, automatically, to men about to enter the conveyance.

(3) Such device is not required on electric hoists where ^{Idem} men are hoisted for shaft inspection or maintenance operations only.

(4) Such device shall be put into operation, either manually ^{Idem} or automatically, when men are transported.

(5) In those cases where the device is automatically put ^{Idem} into operation by the hoistman's return of the 3-bell signal, the circuit shall be so arranged that the failure of the relay coils will not render the device inoperative. R.S.O. 1960, c. 241, s. 581, *amended*.

565. Each electric hoist shall have installed a device ^{Approach warning signal} whereby the hoistman is warned, audibly, that a conveyance or counterbalance is about to enter the region where a reduction in speed is necessary for safe manual braking. R.S.O. 1960, c. 241, s. 582 (1), *amended*.

566. Sections 567 to 575 apply to all electric hoists that may ^{Automatic hoists} be operated automatically. *New*.

567.—(1) Every electric hoist shall have installed, only in ^{Selection of manual or automatic control} the same location as the manual controls, a device for the change-over from manual to automatic control.

(2) Such device shall be operated by authorized personnel ^{Idem} only. *New*.

Level or cage control 568. Where an electric hoist is designed to be operated from control stations on the levels or from a control station on the conveyance, any device used to effect the changeover of control shall be operable only at the level at which a conveyance is stopped. *New.*

Operation of level-installed controls 569.—(1) Devices installed on the levels for the purpose of selecting the conveyance destination and for initiating hoist motion shall be operable only when the conveyance is stopped at that level, except where the installation has been approved for call operation.

Idem (2) There shall be a minimum delay of five seconds between the operation of the level control device used to initiate hoist motion and the actual motion when men are being handled.

Idem (3) The level control device used to initiate hoist motion shall be so located that it may be operated by someone in the conveyance stopped at that level.

Idem (4) Devices installed on the levels for the purpose of initiating hoist motion shall, except for jogging, be operable only when the shaft gate at the level at which the conveyance is stopped is in the closed position. *New.*

Operation of cage-installed control 570.—(1) Devices installed in a conveyance for the purpose of controlling hoist motion shall, except for jogging, be operable only when the cage door is in the closed position.

Idem (2) Where devices are installed in a conveyance for the purpose of controlling hoist motion, one of the devices shall be capable of initiating emergency braking action to bring the conveyance safely to rest. *New.*

Friction hoists 571. Sections 572 to 575 apply to all electric friction hoists. *New.*

Jammed conveyance device 572. Each electric friction hoist shall have installed a device that will initiate emergency braking action to bring the drum to rest in the event of the occurrence of slip between the hoisting rope or ropes and the hoist drum, such as might occur with a conveyance or counterbalance jammed in the shaft or caught at the end of travel. *New.*

Synchronizing device 573. Where creep or slip may alter the effective position of safety devices, a means of synchronizing the safety devices with the position of the conveyance in the shaft shall be provided. *New.*

574. If the electrical engineer deems it necessary, he may, ^{Special testing} after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all electric overwind and underwind devices, signalling and warning devices and hoisting controls and equipment. R.S.O. 1960, c. 241, s. 583.

575.—(1) The owner or manager of a mine where an electric hoist is in use shall depute some competent person or persons ^{Electrical Hoisting Equipment Record Book} whose duty it is to examine at least once in each week the hoist motor and control apparatus, electric safety devices and hoisting signalling equipment.

(2) The report of such examination shall be recorded as *Idem* provided in subsection 3.

(3) The owner or manager shall keep or cause to be kept *Idem* at the mine for each hoist a book called the Electrical Hoisting Equipment Record Book in which shall be recorded a report of every such examination and a notation of any failure or accident to such equipment and the action taken regarding it, signed by the person making the examination.

(4) Such entries of the weekly examination shall be read *Idem* and signed every week by the person in charge of such equipment or accessories thereto.

(5) A notation of the action taken regarding the report *Idem* of any failure or accident to any part of the electrical equipment used in connection with the hoist or the signalling equipment shall be made over the signature of the person in charge of such equipment or accessories thereto.

(6) The Electrical Hoisting Equipment Record Book shall *Idem* be made available to the engineer at all times. R.S.O. 1960, c. 241, s. 584.

UNDERGROUND INSTALLATIONS

576. The provisions of this Part that apply to surface ^{General} installations apply equally to underground installations, except sections 577 to 594, which apply only to underground installations. R.S.O. 1960, c. 241, s. 585.

577.—(1) Where electrical energy is taken underground, ^{Control of underground feeders} provision shall be made so that the current may be cut off on the surface. R.S.O. 1960, c. 241, s. 588 (1).

(2) The control device shall be accessible to authorized *Idem* persons only. R.S.O. 1960, c. 241, s. 588 (2), *amended*.

Wiring
methods

578.—(1) Conductors for all circuits not over 150 volts to ground shall either be installed in standard conduits, armoured or have non-flammable jackets and be adequately supported. R.S.O. 1960, c. 241, s. 592 (1), *amended*.

Idem

(2) All fixed conductors transmitting power underground at over 150 volts to ground shall be armoured or enclosed in standard conduit and substantially supported. R.S.O. 1960, c. 241, s. 592 (2).

Idem

(3) Open-type wiring shall not be used except in cases of extreme emergency. R.S.O. 1960, c. 241, s. 592 (3), *amended*.

Cable test
required

579. All new cables purchased for the transmission of power underground at a potential in excess of 750 volts shall be accompanied by the manufacturer's certified report of insulation tests, a copy of which shall be filed with the chief engineer. R.S.O. 1960, c. 241, s. 595.

Cable
rating

580.—(1) All cables transmitting power underground at a potential exceeding 750 volts shall have a voltage rating of 50 per cent higher than the normal operating voltage. R.S.O. 1960, c. 241, s. 596 (1).

Idem

(2) Cable of standard rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit where the neutral point is grounded in such a manner as to,

(a) limit fault current; and

(b) limit the possible rise of fault potential on any connected equipment to a maximum of 100 volts,

and where ground fault protection is provided. R.S.O. 1960, c. 241, s. 596 (2), *amended*.

Bonding
requirements

581. The armouring or casings of all cables shall be bonded together so as to be electrically continuous and shall be connected at some point or points to a satisfactory ground on surface. R.S.O. 1960, c. 241, s. 593.

Adequate
grounding
for
equipment

582. Where the armouring or casings of cables do not provide an adequate grounding system for underground electrical equipment, a copper or other non-corrosive grounding conductor of adequate size shall be run from such equipment to a satisfactory ground on surface. R.S.O. 1960, c. 241, s. 594.

583. Suitable terminating facilities shall be provided to protect cables from harm due to moisture or mechanical damage. R.S.O. 1960, c. 241, s. 597, *amended*. Terminating facilities

584. Junction boxes on a cable transmitting power at a potential exceeding 300 volts shall not be located in a shaft or winze or attached to any timbers at a shaft or winze station or headframe. R.S.O. 1960, c. 241, s. 600. Location of junction boxes

585. Splices shall not be made in shaft or winze conductors unless approved by the electrical engineer. R.S.O. 1960, c. 241, s. 601, *amended*. Approval of splices

586. Adequate precautions shall be taken to prevent signal and telephone cables coming into contact with other electric systems. R.S.O. 1960, c. 241, s. 598, *amended*. Protection of signal and telephone cables

587. The operating voltage on signal systems shall not exceed 150 volts to ground. R.S.O. 1960, c. 241, s. 589. Maximum voltage of signal system

588.—(1) One conductor of the two-wire signal circuit shall be grounded where the power supply is obtained from a transformer having a primary voltage in excess of 750 volts. Grounding of signal system

(2) The signal system may be operated with both conductors ungrounded when the supply is from a transformer having a primary voltage in excess of 750 volts, if an insulating transformer having a 1-to-1 ratio is installed between the supply and the signal system. R.S.O. 1960, c. 241, s. 590. Idem

589. Where an electrical hoisting-signal system is installed at a shaft or winze, there shall be a suitable, separate, audible signal system for the control of each hoisting conveyance operated from a single hoist and there shall be a sufficient difference in the sounds of the signals to the hoistman that they are easily distinguishable and it shall be so arranged that the hoistman can return the signal to the person giving the signal. R.S.O. 1960, c. 241, s. 591. Separate signal for each conveyance

590. The type and location of transformers installed underground are subject to the approval of the electrical engineer. R.S.O. 1960, c. 241, s. 602. Transformers, type and location

591.—(1) All transformers over 2 kva, unless insulated with non-flammable dielectric liquids or Class B or Class C insulation, when installed underground, shall be effectively isolated from the mine workings by enclosure in rooms constructed of fire-resisting materials throughout and a door sill of not less than six inches in height shall be provided. Transformers and transformer rooms

Idem (2) No material or equipment of any kind, including air lines, air ducts, water and steam lines, shall pass through or terminate within the room, other than that essential to the transformer installation for its proper operation and safety.

Idem (3) The covers of the ventilation openings shall be held open by thermal fuse links and shall close by gravity, and the door shall be constructed of steel or other suitable material.

Idem (4) No transformer station shall be located within 200 feet of an explosives or blasting agents storage. R.S.O. 1960, c. 241, s. 603.

Fire prevention underground 592.—(1) The supports for electric motors, transformers, control and protective equipment and other electric apparatus and the compartments in which they are installed shall be of such material and constructed in such a manner as to reduce the fire hazard to a minimum. R.S.O. 1960, c. 241, s. 586 (1), *amended*.

Idem (2) No flammable material shall be stored or placed in the same compartment with any such equipment or apparatus. R.S.O. 1960, c. 241, s. 586 (2).

Electric heaters 593. Where lamps or heating units are used underground, they shall be so installed and protected as to prevent the heat generated from becoming a fire hazard. R.S.O. 1960, c. 241, s. 604, *amended*.

Fire-extinguishing devices 594.—(1) Approved fire-extinguishing devices for use on electrical fires shall be provided and maintained in condition for immediate use.

Idem (2) They shall be conveniently mounted at or in every place containing electrical apparatus having flammable insulation or parts that, once ignited, may support combustion. R.S.O. 1960, c. 241, s. 587.

GENERAL

Wilful damage to property 595. No person shall wilfully damage or, without proper authority, remove or render useless any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam gauge, water gauge, safety valve, electrical equipment, fire-fighting equipment, first-aid equipment or other appliance or thing provided in a mine in compliance with this Act. R.S.O. 1960, c. 241, s. 605.

Persons under the influence of or carrying liquor 596. No person under the influence of or carrying intoxicating liquor shall enter a mine or be in the proximity of a working place on the surface or near machinery in motion. R.S.O. 1960, c. 241, s. 606.

597. Abstracts of the provisions of this Act, authorized ^{Abstracts to be posted} by the chief engineer, shall be posted up in suitable places at the mine or works where they can be conveniently read, and the owner or agent of the mine shall maintain such abstracts duly posted, and the removal or destruction of any of them is an offence against this Act. R.S.O. 1960, c. 241, s. 607.

598. The Minister may prescribe the charge to be made ^{Charges} for any record or log book required under this Part. R.S.O. 1960, c. 241, s. 608.

TESTING LABORATORIES

599. The Minister may, out of the moneys that are appro- ^{Testing laboratories} priated for the purpose, establish, maintain and operate one or more laboratories for the purpose of testing or examining hoisting ropes or other appliances used in or about a mine and, by regulations made by the Lieutenant Governor in Council, may provide for,

- (a) the management and operation of such laboratory or laboratories;
- (b) the charges to be paid for services performed in such laboratory or laboratories;
- (c) such other purposes as the Lieutenant Governor in Council deems proper. R.S.O. 1960, c. 241, s. 609.

PARTY WALLS

600.—(1) Subject to section 197 and except by agreement ^{Boundary operations} under subsection 3, no mining operations shall be carried on within a distance from the property boundary of a mine or mining property of twice the width or thickness of the orebody at the boundary, measured parallel to the boundary from foot wall to hanging wall and normal to the dip, and in no event shall mining operations be carried on within a distance of twenty feet from the boundary measured from the perpendicular to the boundary,

- (a) except that, for the purposes of preliminary investigation, development headings may be advanced to twenty feet from the boundary; and
- (b) except that exploratory diamond drilling may be done.

(2) Subsection 1 does not apply to operations at sand, ^{Non-application} gravel or clay pits or open-cast rock quarries.

Agreement
by adjoining
owners

(3) Adjoining owners may, by agreement in writing signed by them, carry on mining operations within the distances from the property boundary mentioned in subsection 1.

Certified
copies to
Minister

(4) Two certified copies of every such agreement shall be sent to the Minister and shall take effect upon written acknowledgement of receipt of the agreement by the Minister. R.S.O. 1960, c. 241, s. 610.

Disagree-
ment on
boundary
operations

601.—(1) Where adjoining owners are unable to agree to carry on mining operations within the distances from the property boundary mentioned in subsection 1, application may be made to the Minister by either owner requesting the appointment of a committee to investigate in what manner and within what distances from the boundary mining operations may be carried on.

Appoint-
ment of
committee

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are competent to investigate mining conditions at the boundary.

Duty of
committee

(3) The committee so appointed shall hear representations from the adjoining owners and conduct such investigation of mining conditions on the adjoining mining properties as may be necessary at a time or times named by the Minister.

Report of
committee

(4) Upon completion of their investigation, the committee shall forthwith submit a report in writing to the Minister with recommendations concerning terms and conditions of mining operations at the boundary.

Order of
Minister

(5) Upon receipt of the report of the committee, the Minister may issue an order establishing the terms and conditions to be observed in mining operations at the boundary and shall fix the costs of the committee to the adjoining owners. R.S.O. 1960, c. 241, s. 611.

Suspected
breach or
trespass of
party wall

602.—(1) Where the owner of a mine or mining property has reason to believe that a breach has been made in or a trespass has been committed with respect to the party wall between his mine or mining property and an adjoining mine or mining property, application may be made to the Minister by the owner for the appointment of a committee to examine the party wall and enter the adjoining mines or mining properties with an assistant or assistants and use where necessary the workings and appliances thereof.

Appoint-
ment of
committee

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are

competent to conduct such examination of the party wall as may be necessary.

(3) The committee so appointed shall conduct such examination of the party wall as may be necessary at a time or times named by the Minister. ^{Duty of committee}

(4) Upon completion of the examination, the committee shall forthwith submit a report of its findings in writing to the Minister. ^{Report of committee}

(5) Upon receipt of the report of the committee, the Minister shall fix the costs of the committee to one or both owners. ^{Costs}

(6) Where a breach has been made in a party wall of a mine by the owner of an adjoining mine, or by his employees or agents, without the permission in writing of the owner of the first-mentioned mine or without authority under this Act, the Minister may make an order directing the offending owner to close the breach permanently or to carry out such measures as the Minister deems necessary to prevent water from flowing into the mine of the owner complaining of the breach. ^{Breach of party wall}

(7) Where work has been discontinued in the mine of the offending owner or where expedient for any other reason, the Minister may authorize the owner complaining of the breach, his employees or agents, to enter the mine and works of the offending owner to erect bulkheads and carry out such measures as the Minister deems necessary to protect from damage the mine of the owner complaining of the breach and his employees and agents from danger from accumulations of water in the mine of the offending owner. R.S.O. 1960, c. 241, s. 612. ^{Minister may authorize entry}

603. For good cause shown and upon such terms as seem just, the Minister may vary or rescind an order made under section 601 or 602. R.S.O. 1960, c. 241, s. 613. ^{Minister may vary or rescind order}

BRINE WELLS

604.—(1) In this section,

<sup>Interpre-
tation</sup>

- (a) "brine well" means a hole or opening in the ground for use in brining;
- (b) "brining" means the extraction of salt in solution by any method.

Permit to
bore or
drill a
brine well

(2) No person shall drill or bore a brine well except under the authority of a permit in writing issued by the Minister upon application therefor in the prescribed form.

Permits
not issued

(3) A permit shall not be issued,

(a) to authorize a person to drill or bore a brine well on property in which he does not own, hold or lease, or is not otherwise entitled to, the mining rights; or

(b) where the proposed brine well is nearer the boundary of such property than 500 feet.

Location of
brine well

(4) The chief engineer may reduce or extend the distance referred to in clause *b* of subsection 3 where in his opinion it is advisable to do so and shall notify the applicant of any such reduction or extension within thirty days from the date upon which the application for the permit is filed.

Condition
of permit

(5) A permit is subject to the condition that the brine well in respect of which it is issued is bored or drilled in the location described in the permit.

Time for
issuance
of permit

(6) A permit shall be issued or refused within thirty days from the date on which the application therefor is filed, except that, where notice has been given by the chief engineer under subsection 4, the permit shall be issued upon the receipt by the Minister of the applicant's consent thereto.

Log of
drilling
operations

(7) Where a person drills or bores a brine well, he shall forward a log of the drilling or boring in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the drilling or boring operations, and, upon his request in writing, the log shall be confidential for a period of six months.

Protection
of water
horizons

(8) A person boring or drilling a brine well shall take such reasonable measures as are necessary to control the infiltration of water from one horizon to any other horizon that may be penetrated during the drilling or boring operations.

Protection
of deposits

(9) All brine wells shall be cased and equipped so as to reasonably ensure against the uncontrolled flow of oil, natural gas, brine or water.

Standard
of casing
and equip-
ment

(10) Casing and equipment shall be in good condition and of a thickness and strength adequate to withstand any fluid pressure to which they might normally be subjected.

(11) Where practicable, all brine wells shall be plugged by the person operating them, before being abandoned, in a manner that will, ^{Plugging of abandoned wells}

(a) reasonably ensure that salt horizons and potential oil or natural gas producing horizons are protected; and

(b) retain water and brine in their original formations.

(12) Before commencing to plug a brine well, the person proposing to carry out the plugging operations shall report the particulars thereof to the chief engineer in the prescribed form. ^{Report of proposed plugging}

(13) Where a person plugs a brine well, he shall forward a record of the plugging in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the plugging operations. ^{Record of plugging operations} R.S.O. 1960, c. 241, s. 614.

NOTICE OF NON-FATAL ACCIDENTS

605. Where, in or about a mine, metallurgical works, quarry, or a sand, clay or gravel pit, an accident occurs that causes fracture or dislocation of any bones of the body, or any other injury that in the opinion of the attending physician may result in the injured person being incapacitated for work for at least five days, to a person employed therein, the owner, agent, manager or superintendent shall within three days of the accident send notice in writing to the engineer resident in that part of Ontario in which the mine, works, quarry or pit is situate on the form prescribed for such purpose. ^{Notice of accident} R.S.O. 1960, c. 241, s. 615.

NOTICE OF SPECIAL OCCURRENCES

606.—(1) Where in or about a mine,

Idem

(a) an accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyance, or shaft or winze timbering;

(b) an explosion or fire involving an air compressor, air receiver or compressed air line;

(c) an inrush of water from old workings or otherwise;

(d) a failure of an underground dam or bulkhead, as defined by subsection 1 of section 202;

- (e) an outbreak of fire below ground or an outbreak of fire above ground if it endangers any structure of the mine plant;
- (f) a premature or unexpected explosion or ignition of explosives or blasting agents;
- (g) an asphyxiation effecting a partial or total loss of physical control;
- (h) a flammable gas in the mine workings; or
- (i) an unexpected and non-controlled extensive subsidence or caving of mine workings,

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the occurrence, send notice in writing in duplicate to the district engineer resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereof as the engineer requires.

Notice of
occurrence
of fire and
need of
rescue
equipment

(2) Where in or about a mine an outbreak of fire occurs that endangers the health or safety of one or more persons and the services of the mine rescue stations are required, the owner, agent, manager or superintendent shall immediately notify the rescue station superintendent and the district engineer resident in that part of Ontario in which the mine is situate.

Rockburst

(3) Where a rockburst occurs, whether or not loss of life or personal injury is caused thereby, and its location is determined as being within the workings of a mine, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the location of the burst has been determined, send notice in writing to the district engineer resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars with respect thereto as the engineer requires.

Record of
rockbursts

(4) A record of the occurrence of all rockbursts at a mine shall be kept, showing, as far as possible, the time, location, extent of the burst, any injury to persons and any other information pertaining to the burst, and such record shall be available to the engineer at all times. R.S.O. 1960, c. 241, s. 616.

OTHER NOTICES AND INFORMATION

607.—(1) The owner or agent shall give or cause the manager or superintendent of a mine to give written notice to the chief engineer and to the district engineer resident in that part of Ontario in which the mine is situate,

Written
notice by
owner or
agent

- (a) of the intended installation of a mine hoisting plant, power plant or treatment plant under the jurisdiction of the Department and the name and address of the person in charge of the operation at least fourteen days prior to the commencement of work on such installation, and the notice shall also give the lot, concession and township or claim numbers on which operations are to commence and the specifications and layout of the plant;
- (b) of the connection or reconnection of any mining electrical equipment with a source of electrical energy controlled by any other person at least fourteen days prior to the connection or reconnection;
- (c) of the commencement or resumption, after an interruption of one month or more, of mining operations within fourteen days after the commencement or resumption; and
- (d) of the closing down of the mine and that,
 - (i) the requirements of subsection 1 of section 168 as to the fencing of the top of the shaft, entrances from the surface, pits and openings,
 - (ii) the requirements of section 225 as to the disposal of explosives and blasting agents,
 - (iii) the requirements of section 374 as to the abandonment of a shaft compartment for hoisting purposes and as to the removal and disposition of hoisting ropes,
 - (iv) the requirements of section 456 as to the disconnection of the supply station from the power source and notification of same to the chief engineer, and
 - (v) the requirements of subsections 7 and 8 of section 609 as to the filing of plans and sections,

have been complied with within fourteen days of the closing down.

Information
for engineer

(2) The owner, manager or superintendent of a mine shall furnish to the engineer resident in that part of Ontario in which the mine is situate all information that the engineer requires for the purposes of his returns. R.S.O. 1960, c. 241, s. 617.

STATISTICAL RETURNS

Statistical
returns

608.—(1) For the purpose of their tabulation under the instructions of the Minister, the owner or agent of every mine, quarry or other works to which this Act applies shall, on or before the 31st day of March in every year, send to the Department on the forms supplied a correct return for the year that ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below and above ground respectively, the total amount of wages paid during the year, the quantity in standard weight of the minerals dressed and of the undressed mineral that has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Minister by regulation prescribes.

Monthly or
quarterly
returns

(2) The owner or agent of every metalliferous mine shall, if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year.

Offence

(3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes a return that is to his knowledge false in any particular, is guilty of an offence against this Act. R.S.O. 1960, c. 241, s. 618.

MINE PLANS

Plans to
be kept

609.—(1) At every mine, the owner or manager shall cause the following plans on a scale acceptable to the chief engineer to be kept up to a date not more than six months last past:

1. A surface plan showing the boundaries of the property, all lakes, streams, roads, railways, electric power transmission lines, main pipe lines, buildings, shaft openings, adits, open surface workings, diamond-drill holes, outcroppings of rock, and dumps and tailing-disposal sites.
2. Underground plans of each level and section showing all underground workings, including shafts and tunnels, diamond-drill holes, dams and bulkheads, and each level plan shall be shown on a separate drawing.

3. Vertical mine sections at suitable intervals and at suitable azimuths, showing all shafts, tunnels, drifts, stopes and other mine workings in relation to the surface, including the location of the top of the bed-rock, surface of the overburden and the bottom and surface of any known watercourse or body of water, and each section shall be shown on a separate drawing.
4. Adequate ventilation plans, showing the direction and volume of the main air currents, the location of permanent fans, ventilation doors and stoppings, and connections with adjacent mines.

(2) The owner or manager of every mine in which electricity ^{Idem} is used underground shall keep or cause to be kept up to a date not more than six months last past an adequate plan or diagram showing on a suitable scale the following information:

1. The position of all fixed electrical apparatus in the mine.
2. The routes of all fixed power feeders and fixed branch feeders properly noted and referenced.
3. The rating of all electrical feeder control apparatus and equipment.

(3) Such plans or diagrams shall be available to the engineer ^{Idem} at all times and copies of the plans or diagrams shall be furnished him upon request.

(4) On any examination or inspection of a mine, the owner, manager or superintendent shall, if required, produce to the engineer or other person authorized by the Minister or the Deputy Minister all plans and sections of the workings referred to in subsections 1, 2 and 3. ^{Marking subsequent progress on plan}

(5) The owner, manager or superintendent shall, if required ^{Idem} by the engineer or other person authorized by the Minister or Deputy Minister, cause to be marked on such plans and sections the progress of the mine up to the time of the examination or inspection, and shall furnish him with a copy or tracing thereof.

(6) Certified copies of the plans required by paragraph 2 of subsection 1 and mine sections showing all shafts as required by paragraph 3 of subsection 1 shall be made and filed in the Department on or before the 31st day of March in each year, showing the workings of the mine up to and including the 31st day of December next preceding. ^{Plan for working mines to be filed}

Plans to
be filed
before
abandon-
ment

(7) Before a mine or a part of a mine is abandoned, closed down or otherwise rendered inaccessible, all underground plans and sections referred to in paragraphs 2 and 3 of subsection 1 shall be brought up to date and a certified copy filed in the Department.

Idem

(8) Before work at a mine ceases, the surface plan referred to in paragraph 1 of subsection 1 showing all openings to underground workings shall be brought up to date and a certified copy filed in the Department.

Responsi-
bility of
owner

(9) The owner of every mine, quarry or other works to which this section applies is responsible for compliance with the provisions thereof, and every owner or other person who fails to comply with any of the provisions of this section, or who produces to an engineer or other authorized person, or files or causes to be produced or filed, a plan that to his knowledge is false in any particular is guilty of an offence against this Act.

Plans to be
treated as
confidential

(10) Every such plan shall be treated as confidential information for the use of the officers of the Department and shall not be exhibited, nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine. R.S.O. 1960, c. 241, s. 619.

POWERS AND DUTIES OF ENGINEERS

Powers of
engineer

610.—(1) It is the duty of the engineer and he has power,

- (a) to make such examination and inquiry as he deems necessary to ascertain whether this Act is complied with, and to give notice to the owner or agent in writing of any particulars in which he considers the mine or any part thereof, or any matter, thing or practice, to be dangerous or defective or contrary to this Act, and to require the same to be remedied within the time named in the notice;
- (b) to enter, inspect and examine any mine or any part thereof at any reasonable time by day or night, but so as not to unnecessarily impede or obstruct the working of the mine;
- (c) to order the immediate cessation of work in and the departure of all persons from any mine or part thereof that he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary; and

- (d) to exercise such other powers as he deems necessary for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, and metallurgical and mining works.

(2) It is the duty of the engineer to make a report of every examination and inquiry made in the course of his duty during the year to the Minister, the Deputy Minister or the chief engineer, as required by the circumstances, immediately upon the completion of the examination or inquiry. R.S.O. 1960, c. 241, s. 620. ^{Reports of engineer}

611.—(1) The Minister may direct an engineer to make a special report with respect to any accident in or about a mine that has caused the loss of life or injury to any person, or with respect to any condition in or about a mine. ^{Special report}

(2) In conducting the inquiry, the engineer has power to compel the attendance of witnesses and the production of books, documents and things, and to take evidence upon oath. ^{Engineer may take evidence}
R.S.O. 1960, c. 241, s. 621.

612.—(1) Non-compliance with a written order of the engineer issued in accordance with section 610 shall be deemed an offence against this Part. ^{Offence}

(2) Failure to give written notice of the completion of any work in accordance with a written order of the engineer issued under section 610 shall be deemed an offence against this Part. R.S.O. 1960, c. 241, s. 622. ^{Idem}

PART X

REFINERY PROVISIONS

613. In this Part, "refinery" means apparatus or equipment that may be used for the refining, retorting, smelting, assaying or treating by any other method of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein. R.S.O. 1960, c. 241, s. 623. ^{Interpretation}

614. No person shall own, operate, use or have a refinery in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant unless a refinery licence has been granted in respect of such refinery, except that no refinery licence shall be required in respect of a refinery for which a certificate of exemption has been issued. ^{Refinery licence}
R.S.O. 1960, c. 241, s. 624.

Powers of
Minister as
to refinery
licences

615.—(1) The Minister may,

- (a) issue and renew refinery licences and certificates of exemption;
- (b) refuse to issue or renew a refinery licence or certificate of exemption, or suspend, cancel or revoke a refinery licence or certificate of exemption for any reason that he deems sufficient in the public interest;
- (c) prescribe the forms of refinery licences, certificates of exemption, applications therefor and renewals thereof; and
- (d) prescribe the fee payable upon the issue and renewal of refinery licences and certificates of exemption.

Term of
licence and
certificate
of exemption

(2) Every refinery licence and certificate of exemption expires on the 31st day of March next following the issue thereof and every renewal of a refinery licence or certificate of exemption expires on the 31st day of March next following the expiration of the refinery licence or certificate of exemption or the last renewal thereof. R.S.O. 1960, c. 241, s. 625.

Certificate
of exemption

616.—(1) A certificate of exemption may be issued in respect of a refinery where the Minister is satisfied that the refinery is not maintained or used for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein or is used only for educational purposes.

Use of
refinery

(2) No person who owns or has in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant a refinery in respect of which a certificate of exemption has been issued shall permit the refinery to be operated or used nor shall he or any other person operate or use the refinery for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein. R.S.O. 1960, c. 241, s. 626.

Offence

617. Every person who contravenes any of the provisions of this Part is guilty of an offence and is liable to a fine of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than one year, or to both fine and imprisonment. R.S.O. 1960, c. 241, s. 627.

Application
of Part

618. This Part applies notwithstanding that the owner or operator of a refinery is the holder of a licence issued under any Act. R.S.O. 1960, c. 241, s. 628.

619. The Minister may appoint any person to conduct an inquiry into any charge or complaint that a person has contravened any of the provisions of this Part, or into any matter or thing connected with or arising out of the operation of this Part, and such person has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1960, c. 241, s. 629.

Commission
of inquiry

PART XI

OFFENCES, PENALTIES AND PROSECUTIONS

620.—(1) Every person who,

Offences

- (a) prospects, occupies or works any Crown lands or mining rights for minerals otherwise than in accordance with this Act;
- (b) performs or causes to be performed on any Crown lands, or on any lands where the mining rights are in the Crown, any boring by diamond or other core drill for the purpose of locating valuable mineral in place, except where such Crown lands or mining rights have been staked out and recorded as a mining claim in accordance with this Act;
- (c) wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line, figure, writing or other mark lawfully placed, standing or made under this Act;
- (d) wilfully pulls down, injures or defaces any rules or notices posted up by the owner or agent of a mine;
- (e) wilfully obstructs the Commissioner or any officer appointed under this Act in the execution of his duty;
- (f) being the owner or agent of a mine, refuses or neglects to furnish to the Commissioner or to any person appointed by him or to any officer appointed under this Act the means necessary for making an entry, inspection, examination or inquiry in relation to a mine under this Act, other than Part IX;
- (g) unlawfully marks or stakes out in whole or in part a mining claim, a placer mining claim, or an area for a boring permit;

- (h) wilfully acts in contravention of this Act, other than Part IX or Part X, in any particular not hereinbefore set forth;
- (i) wilfully contravenes any provision of this Act or any regulation for the contravention of which no other penalty is provided;
- (j) wilfully makes any material change in the wording or numbering of a miner's licence after its issue; or
- (k) attempts to do any of the acts mentioned in the foregoing clauses,

is guilty of an offence against this Act and is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues.

False
statements

(2) Every person who knowingly makes a false statement in an application, certificate, report, statement or other document filed or made as required by or under this Act or the regulations is guilty of an offence and is liable to a fine of \$500 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1960, c. 241, s. 630.

Smelters

621.—(1) No person shall construct or cause to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals that may result in the escape or release into the open air of sulphur, arsenic or other fumes in quantities that may injure trees or other vegetation unless and until the site of the plant has been approved by the Lieutenant Governor in Council.

Offence

(2) Every person who constructs or causes to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals, without the approval of the Lieutenant Governor in Council, and sulphur, arsenic or other fumes escape or are released therefrom into the open air and injure trees or other vegetation is guilty of an offence and is liable to a fine of not more than \$1,000 for every day upon which such fumes escape or are released therefrom into the open air. R.S.O. 1960, c. 241, s. 631.

Disobeying
order or
award of
Commissioner

622. Every person who wilfully neglects or refuses to obey any order or award of the Commissioner, except for the payment of money, is, in addition to any other liability, liable to a fine of not more than \$250 and, upon conviction thereof, is liable to imprisonment for a term of not more than six months unless the fine and costs are sooner paid. R.S.O. 1960, c. 241, s. 632.

623.—(1) No person who,

Use of word
"Bureau"
prohibited

- (a) carries on the business of mining or dealing in mines, mining claims, mining lands, or mining rights, or the shares, stocks, or bonds of a mining company; or
- (b) acts as broker or agent in or for the disposal of mines, mining claims, mining lands, or mining rights, or of any such shares, stocks or bonds; or
- (c) offers or undertakes to examine or report on a mine, mining claim, mining land or mining rights,

shall use the word "Bureau" as the name or title or part of the name or title under which he acts or carries on business.

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues. R.S.O. 1960, c. 241, s. 633.

624.—(1) An owner, agent or other person who contravenes any provision of Part IX is guilty of an offence and is liable to a fine of not more than \$1,000.

Penalty
for offence
against
Part IX

(2) Where the Deputy Minister or an engineer has given written notice to an owner or agent or a person engaged or employed in or about a mine that an offence has been committed against Part IX, such owner or agent or other person is liable to a further fine of not more than \$100 for every day upon which the offence continues after such notice.

Additional
penalty for
continuing
offence

(3) An owner, agent or other person is, upon conviction, liable to imprisonment for a term of not more than three months unless the fine and costs are sooner paid.

Imprison-
ment

(4) Where the offence is one that might have endangered the safety of those employed in or about the mine or caused serious personal injury or a dangerous accident, and was committed wilfully by the personal act, default or negligence of the accused, every person who is guilty of an offence against Part IX is, in addition to or in substitution for any fine that may be imposed, liable to imprisonment with or without hard labour for a term of not more than three months. R.S.O. 1960, c. 241, s. 634.

Imprison-
ment of
offender
against
Part IX
in certain
cases

625.—(1) No prosecution shall be instituted for an offence against Part IX or Part X or any regulation made in pursuance thereof except,

Instituting
prosecutions
for offences

- (a) by an engineer;

(b) by direction of the county or district Crown attorney;
or

(c) by the leave in writing of the Attorney General,

or for an offence against any other provision of this Act or of any regulation made in pursuance thereof except,

(d) by or by leave of the Commissioner or a recorder;

(e) by direction of the county or district Crown attorney;
or

(f) by leave of the Attorney General.

When person
not actual
offender not
liable

(2) No person not being the actual offender is liable in respect of such offence, if he proves that he did not participate in the contravention of the provision for a breach of which he is charged and that he was not to blame for the breach and that according to his position and authority he took all reasonable means in his power to prevent the breach and to secure compliance with the provisions of Part IX or Part X.

Onus of
proof

(3) The burden of proving that the provisions of sections 173 to 594 have been suspended is upon the person charged with a contravention thereof and any such suspension may be proved by the evidence or certificate of an engineer. R.S.O. 1960, c. 241, s. 635.

Procedure on
prosecutions

626. Except as to offences against section 14, every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a magistrate or two justices of the peace having jurisdiction in the county or district in which the offence was committed or before the Commissioner, and, save as herein otherwise provided, *The Summary Convictions Act* applies to every such prosecution. R.S.O. 1960, c. 241, s. 636.

R.S.O. 1960,
c. 387

R.S.O. 1960,
c. 241, s. 654,
subs. 7,
amended

2. Subsection 7 of section 654 of *The Mining Act* is amended by striking out "use" in the third line and inserting in lieu thereof "user", so that the subsection shall read as follows:

Patent or
lease to
protect
public travel

(7) The patent or lease of such mines, minerals and mining rights shall contain a proviso protecting the road for public travel and preventing any user of the granted rights that would interfere with public travel unless a road in lieu thereof has been provided and accepted by the municipal corporation having control of the road.

Short title

3. This Act may be cited as *The Mining Amendment Act, 1961-62*.

[Faint vertical text or bleed-through from the reverse side of the page.]

An Act to amend The Mining Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

April 17th, 1962

MR. WARDROPE

BILL 58

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Lakehead College of Arts, Science and Technology Act, 1956

MR. ROBARTS

EXPLANATORY NOTE

The amendment gives the College university powers with respect to the establishment of faculties, etc., and the granting of degrees in arts and science.

BILL 58

1961-62

An Act to amend The Lakehead College of Arts, Science and Technology Act, 1956

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Lakehead College of Arts, Science and Technology Act, 1956* is amended by adding thereto the following subsection: 1956, c. 36,
s. 3,
amended

(2) The College has university powers,

University
powers re
faculties
and degrees

(a) to establish and maintain such faculties, schools, institutes, departments and chairs as may be determined by the board; and

(b) to confer university degrees and honorary degrees and awards in arts and science.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Lakehead College of Arts, Science and Technology Amendment Act, 1961-62*. Short title

An Act to amend The Lakehead College
of Arts, Science and Technology Act, 1956

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

MR. ROBARTS

BILL 58

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Lakehead College of Arts, Science and Technology Act, 1956

MR. ROBARTS

of the "Gleaner and the Farmer" Vol. 1886

BILL 58

1961-62

**An Act to amend The Lakehead College
of Arts, Science and Technology Act, 1956**

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 3 of *The Lakehead College of Arts, Science and Technology Act, 1956* is amended by adding thereto the following subsection: <sup>1956, c. 36,
s. 3, amended</sup>

(2) The College has university powers,

University
powers re
faculties
and degrees

(a) to establish and maintain such faculties,
schools, institutes, departments and chairs as
may be determined by the board; and

(b) to confer university degrees and honorary
degrees and awards in arts and science.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Lakehead College of Arts, Science and Technology Amendment Act, 1961-62*. ^{Short title}

An Act to amend The Lakehead College
of Arts, Science and Technology Act, 1956

1st Reading

February 20th, 1962

2nd Reading

February 22nd, 1962

3rd Reading

March 12th, 1962

MR. ROBARTS

BILL 59

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Notaries Act

MR. ROBERTS

EXPLANATORY NOTE

Self-explanatory.

BILL 59

1961-62

An Act to amend The Notaries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Notaries Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 263, s. 1,
amended

(2) The Lieutenant Governor in Council may make regulations fixing the fees payable upon appointment as a notary public and upon renewals thereof. Fees on
appointment

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Notaries Amendment Act*, Short title
1961-62.

An Act to amend The Notaries Act

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 59

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Notaries Act

MR. ROBERTS

BILL 59

1961-62

An Act to amend The Notaries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Notaries Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 263, s. 1, amended

(2) The Lieutenant Governor in Council may make regulations fixing the fees payable upon appointment as a notary public and upon renewals thereof. Fees on appointment

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Notaries Amendment Act*, Short title 1961-62.

An Act to amend The Notaries Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

March 12th, 1962

Mr. ROBERTS

BILL 60

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Judicature Act

MR. ROBERTS

EXPLANATORY NOTE

The trial branch of the Supreme Court of Ontario consists of the Chief Justice of the High Court and twenty other judges.

The purpose of the Bill is to provide for two more judges.

BILL 60

1961-62

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act* is R.S.O. 1960, c. 197, s. 5, amended by striking out "twenty" in the third line and subs. 1, inserting in lieu thereof "twenty-two", so that the subsection amended shall read as follows:

- (1) The High Court shall consist of a chief justice who shall be the president thereof and who shall be called ^{High Court of Justice} the Chief Justice of the High Court, and twenty-two other judges.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Judicature Amendment Act, 1961-62*. ^{Short title}

An Act to amend
The Judicature Act

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 60

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Judicature Act

MR. ROBERTS

BILL 60

1961-62

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act* is ^{R.S.O. 1960, c. 197, s. 5, subs. 1, amended} amended by striking out "twenty" in the third line and inserting in lieu thereof "twenty-two", so that the subsection shall read as follows:

(1) The High Court shall consist of a chief justice who shall be the president thereof and who shall be called ^{High Court of Justice} the Chief Justice of the High Court, and twenty-two other judges.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Judicature Amendment* ^{Short title} Act, 1961-62.

An Act to amend
The Judicature Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

March 12th, 1962

MR. ROBERTS

BILL 61

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The County Courts Act

MR. ROBERTS

EXPLANATORY NOTES

The purpose of this Bill is:

- (1) to provide a more flexible system of arranging for the sittings of the county and district courts. This is made possible by the direction of the Chief Judge of the County and District Courts (ss. 1-4 of the Bill);
- (2) to increase the jurisdiction of the county and district courts (s. 5 of the Bill);
- (3) to expedite the rehearing of cases in the county and district courts (s. 6 of the Bill);
- (4) to provide a right of appeal to a judge of the Supreme Court in all county and district court matters where no appeal presently exists.

BILL 61

1961-62

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The County Courts Act* is amended by renumbering section 1 as section 1a and by adding thereto the following section: R.S.O. 1960, c. 76, ss. 12-14, amended

1. In this Act, "chief judge" means the Chief Judge of the County and District Courts. Interpretation

2. Sections 12, 13 and 14 of *The County Courts Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 76, ss. 12-14, re-enacted

12. After first obtaining the approval of the chief judge, the judge of a county or district court may direct a different opening day for the sittings of such court from those provided in section 10 or 11, in which case the sittings shall be held in accordance with the direction. Different opening day for any sittings

13. Notwithstanding sections 10 and 11, the chief judge may direct that a non-jury sittings of any county or district court, in lieu of or in addition to the regular sittings, shall be held at such place in the county or district, as the case may be, as he determines, in which case such sittings shall be held at the place so determined. Non-jury sittings outside county town

14. Notice of any direction under section 12 or 13 shall be posted or otherwise given as the chief judge may direct. Notice

3. Section 16 of *The County Courts Act* is repealed. R.S.O. 1960, c. 76, s. 16, repealed

4. Section 18 of *The County Courts Act* is amended by striking out "Attorney General" in the seventh line of subsection 1 and in the first line of subsection 2 and inserting in lieu thereof in each instance "chief judge", so that the section shall read as follows: R.S.O. 1960, c. 76, s. 18, amended

Adjourn-
ment of
sittings

18.—(1) Where the judge who is to hold a sittings is unable to hold it at the time appointed, the sheriff or, in his absence, the deputy sheriff shall adjourn the court by proclamation to an hour on the following day to be named by him, and so from day to day until the judge is able to hold the court or until he receives other directions from the judge or from the chief judge.

Notice

(2) The sheriff shall forthwith notify the chief judge of the adjournment.

R.S.O. 1960,
c. 76, s. 19,
subs. 1,
amended

5.—(1) Subsection 1 of section 19 of *The County Courts Act* is amended,

- (a) by striking out "\$1,200" in the second line of clause *a* and inserting in lieu thereof "\$3,000";
- (b) by striking out "\$1,000" in the third line of clause *b* and inserting in lieu thereof "\$3,000";
- (c) by striking out "\$1,000" in the second line and in the fourth line of clause *c* and inserting in lieu thereof in each instance "\$3,000";
- (d) by striking out "\$1,000" in the third line of clause *d* and inserting in lieu thereof "\$3,000";
- (e) by striking out "\$1,000" in the fourth line of clause *e* and inserting in lieu thereof "\$3,000";
- (f) by striking out "\$1,000" in the fifth line of clause *f* and inserting in lieu thereof "\$3,000";
- (g) by striking out "\$4,000" in the third line of clause *g* and inserting in lieu thereof "\$20,000";
- (h) by striking out "\$1,000" in the fourth line of clause *h* and inserting in lieu thereof "\$3,000";
- (i) by striking out "\$4,000" in the fifth line of clause *h* and inserting in lieu thereof "\$20,000";
- (j) by striking out "\$1,000" in the third line of clause *i* and inserting in lieu thereof "\$3,000"; and
- (k) by striking out "\$1,000" in the fourth line of clause *j* and inserting in lieu thereof "\$3,000".

R.S.O. 1960,
c. 76, s. 19,
subs. 2,
amended

(2) Subsection 2 of the said section 19 is amended by striking out "\$4,000" in the eighth line and in the ninth line and inserting in lieu thereof in each instance "\$20,000".

6.—(1) Subsection 1 of section 35 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 35, subs. 1, re-enacted

(1) Where the judge before whom an action is tried, Rehearing either with or without a jury, dies before giving judgment, or having reserved his judgment after having heard the evidence does not deliver judgment within six months thereafter, any party may, upon notice to all other parties, apply to the chief judge for an order directing that the action be reheard by such judge of a county or district court as he designates.

(1a) An order made under subsection 1 shall name the Idem place where the action shall be set down and reheard, and in making such order the chief judge may give such other directions as he deems fit.

(2) Subsections 3, 4, 5 and 6 of the said section 35 are repealed. R.S.O. 1960, c. 76, s. 35, subss. 3-6, repealed

(3) Subsection 7 of the said section 35 is amended by striking out "a judge of the Supreme Court" in the second and third lines and inserting in lieu thereof "the chief judge", so that the subsection shall read as follows: R.S.O. 1960, c. 76, s. 35, subs. 7, amended

(7) No proceedings in the action shall thereafter be taken Further proceedings in the county court without the order of the chief judge after notice.

7. *The County Courts Act* is amended by adding thereto the following section: R.S.O. 1960, c. 76, amended

43a. In the case of any decision or order made in an action Further rights of appeal by a county or district court judge in respect of which an appeal is not provided in section 38, an appeal lies to a judge of the Supreme Court, and the practice and procedure governing appeals from the Master of the Supreme Court apply to every such appeal.

8. The increased jurisdiction provided in subsections 1 and 2 of section 19 of *The County Courts Act* by section 5 of this Act applies to actions that are commenced after section 5 of this Act comes into force. Application of increased jurisdiction

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

10. This Act may be cited as *The County Courts Amendment Act, 1961-62*. Short title



An Act to amend
The County Courts Act

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 61

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The County Courts Act

MR. ROBERTS

The County Church of

BILL 61

1961-62

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The County Courts Act* is amended by renumbering ^{R.S.O. 1960,} section 1 as section 1a and by adding thereto the following ^{c. 76,} amended section:

1. In this Act, "chief judge" means the Chief Judge ^{Interpre-} of the County and District Courts. ^{tation}

2. Sections 12, 13 and 14 of *The County Courts Act* are ^{R.S.O. 1960,} repealed and the following substituted therefor: ^{c. 76,} ^{ss. 12-14,} ^{re-enacted}

12. After first obtaining the approval of the chief judge, ^{Different} the judge of a county or district court may direct ^{opening} a different opening day for the sittings of such ^{day for any} court from those provided in section 10 or 11, in ^{sittings} which case the sittings shall be held in accordance with the direction.

13. Notwithstanding sections 10 and 11, the chief judge ^{Non-jury} may direct that a non-jury sittings ^{sittings} of any county or ^{outside} district court, in lieu of or in addition to the regular ^{county} sittings, shall be held at such place in the county or ^{town} district, as the case may be, as he determines, in which case such sittings shall be held at the place so determined.

14. Notice of any direction under section 12 or 13 shall ^{Notice} be posted or otherwise given as the chief judge may direct.

3. Section 16 of *The County Courts Act* is repealed. ^{R.S.O. 1960,} ^{c. 76, s. 16,} ^{repealed}

4. Section 18 of *The County Courts Act* is amended by ^{R.S.O. 1960,} striking out "Attorney General" in the seventh line of sub- ^{c. 76, s. 18,} amended section 1 and in the first line of subsection 2 and inserting in lieu thereof in each instance "chief judge", so that the section shall read as follows:

Adjourn-
ment of
sittings

- 18.—(1) Where the judge who is to hold a sittings is unable to hold it at the time appointed, the sheriff or, in his absence, the deputy sheriff shall adjourn the court by proclamation to an hour on the following day to be named by him, and so from day to day until the judge is able to hold the court or until he receives other directions from the judge or from the chief judge.

Notice

- (2) The sheriff shall forthwith notify the chief judge of the adjournment.

R.S.O. 1960,
c. 76, s. 19,
subs. 1,
amended

5.—(1) Subsection 1 of section 19 of *The County Courts Act* is amended,

- (a) by striking out "\$1,200" in the second line of clause *a* and inserting in lieu thereof "\$3,000";
- (b) by striking out "\$1,000" in the third line of clause *b* and inserting in lieu thereof "\$3,000";
- (c) by striking out "\$1,000" in the second line and in the fourth line of clause *c* and inserting in lieu thereof in each instance "\$3,000";
- (d) by striking out "\$1,000" in the third line of clause *d* and inserting in lieu thereof "\$3,000";
- (e) by striking out "\$1,000" in the fourth line of clause *e* and inserting in lieu thereof "\$3,000";
- (f) by striking out "\$1,000" in the fifth line of clause *f* and inserting in lieu thereof "\$3,000";
- (g) by striking out "\$4,000" in the third line of clause *g* and inserting in lieu thereof "\$20,000";
- (h) by striking out "\$1,000" in the fourth line of clause *h* and inserting in lieu thereof "\$3,000";
- (i) by striking out "\$4,000" in the fifth line of clause *h* and inserting in lieu thereof "\$20,000";
- (j) by striking out "\$1,000" in the third line of clause *i* and inserting in lieu thereof "\$3,000"; and
- (k) by striking out "\$1,000" in the fourth line of clause *j* and inserting in lieu thereof "\$3,000".

R.S.O. 1960,
c. 76, s. 19,
subs. 2,
amended

(2) Subsection 2 of the said section 19 is amended by striking out "\$4,000" in the eighth line and in the ninth line and inserting in lieu thereof in each instance "\$20,000".

6.—(1) Subsection 1 of section 35 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 35, subs. 1, re-enacted

(1) Where the judge before whom an action is tried, Rehearing either with or without a jury, dies before giving judgment, or having reserved his judgment after having heard the evidence does not deliver judgment within six months thereafter, any party may, upon notice to all other parties, apply to the chief judge for an order directing that the action be reheard by such judge of a county or district court as he designates.

(1a) An order made under subsection 1 shall name the Idem place where the action shall be set down and reheard, and in making such order the chief judge may give such other directions as he deems fit.

(2) Subsections 3, 4, 5 and 6 of the said section 35 are R.S.O. 1960, c. 76, s. 35, subs. 3-6, repealed repealed.

(3) Subsection 7 of the said section 35 is amended by striking R.S.O. 1960, c. 76, s. 35, subs. 7, amended out "a judge of the Supreme Court" in the second and third lines and inserting in lieu thereof "the chief judge", so that the subsection shall read as follows:

(7) No proceedings in the action shall thereafter be taken Further proceedings in the county court without the order of the chief judge after notice.

7. *The County Courts Act* is amended by adding thereto R.S.O. 1960, c. 76, amended the following section:

43a. In the case of any decision or order made in an action Further rights of appeal by a county or district court judge in respect of which an appeal is not provided in section 38, an appeal lies to a judge of the Supreme Court, and the practice and procedure governing appeals from the Master of the Supreme Court apply to every such appeal.

8. The increased jurisdiction provided in subsections 1 and 2 of section 19 of *The County Courts Act* by section 5 of this Application of increased jurisdiction Act applies to actions that are commenced after section 5 of this Act comes into force.

9. This Act comes into force on a day to be named by the Commencement Lieutenant Governor by his proclamation.

10. This Act may be cited as *The County Courts Amendment Act, 1961-62.* Short title

The County Court, 1860

An Act to amend
The County Courts Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

March 30th, 1962

MR. ROBERTS

BILL 62

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The County Judges Act

MR. ROBERTS

EXPLANATORY NOTES

SECTIONS 1 and 2. Self-explanatory.

SECTION 3. The section repealed authorizes the judges in York County to make their own arrangements for the proper holding of their courts.

SECTION 4. Clause *a* fixes the allowance to be paid by the Province to the Chief Judge of the County and District Courts. Clause *aa* is the former clause *a* with the adjective "senior" deleted.

SECTION 5. The chief judge is substituted for the senior judge in the court district.

BILL 62

1961-62

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The County Judges Act* is amended by renumbering R.S.O. 1960, section 1 as section 1a and by adding thereto the following ^{c. 77, amended} section:

1. In addition to the judges otherwise provided for in ^{Chief judge} this Act, a Chief Judge of the County and District Courts, herein referred to as the chief judge, may be appointed, and he shall have all the powers of a judge throughout Ontario.

2. Subsection 2 of section 4 of *The County Judges Act* is R.S.O. 1960, amended by adding at the commencement thereof "After ^{c. 77, s. 4, subs. 2, amended} the chief judge", so that the subsection shall read as follows:

- (2) After the chief judge, the judges and junior judges, ^{Rank and precedence} respectively, have rank and precedence among themselves according to seniority of appointment.

3. Section 5 of *The County Judges Act* is repealed. ^{R.S.O. 1960, c. 77, s. 5, repealed}

4. Clause a of subsection 1 of section 9 of *The County Judges Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 77, s. 9, subs. 1, cl. a, re-enacted}

- (a) to the chief judge, an allowance at the rate of \$5,000 per annum;

- (aa) to the judge of the county court of the county of York, an allowance at the rate of \$2,500 per annum; and

.

5. Section 10 of *The County Judges Act* is repealed and the ^{R.S.O. 1960, c. 77, s. 10, re-enacted} following substituted therefor:

Oath of
office

10. Every judge and junior judge shall take and subscribe the following oath before the chief judge or a judge designated by him:

I,, do swear that I will,
truly and faithfully, according to my skill and knowl-
edge, execute the several duties, powers and trusts of
judge of the Court of the
..... of
So help me God.

R.S.O. 1960,
c. 77, s. 12,
re-enacted

6. Section 12 of *The County Judges Act* is repealed and the following substituted therefor:

Place of
hearing

12. The chief judge may empower the judge or a junior judge of a county or district court to hear and dispose of or otherwise deal with any matter depending in his court at any place either within or outside the county or district, as the case may be.

R.S.O. 1960,
c. 77, s. 13,
subss. 1-8,
re-enacted

7. Subsections 1, 2, 3, 4, 5, 6, 7 and 8 of section 13 of *The County Judges Act* are repealed and the following substituted therefor:

Court
reporters,
appoint-
ment

- (1) The Lieutenant Governor in Council may appoint one or more court reporters for the local courts of any county or provisional judicial district, and, where more than one is appointed for a county or provisional judicial district, the Lieutenant Governor in Council may designate one of them as the senior court reporter.

Direction

- (2) Every court reporter shall be under the direction of the judge or, in his absence, of the junior judge or judges of the county or district for the local court of which he is appointed, and, where a senior court reporter is designated, the other court reporter or reporters shall also be subject to the direction of the senior court reporter.

Remunera-
tion

- (3) Every court reporter is entitled to such remuneration as the Lieutenant Governor in Council prescribes.

Fees for
transcripts

- (4) Every court reporter who is appointed at a salary is nevertheless entitled to take for his own use fees for transcriptions unless he is expressly prohibited from so doing by the terms of his appointment.

Idem

- (5) Where a court reporter is appointed at a salary and is expressly prohibited from taking fees for his own use for transcriptions, he shall collect the fees for such transcriptions and pay them over to the treasurer of the county.

SECTION 6. The chief judge is substituted for the Lieutenant Governor in Council.

SECTION 7. The terminology is changed in order that other types of reporting besides shorthand may be used. Otherwise, the section is unchanged.

SECTION 8. The sections are amended to provide for the operation of the county court district system, having regard to the functions of the chief judge.

- (6) The Lieutenant Governor in Council may prescribe ^{Fees} fees for court reporters.
- (7) Every court reporter appointed at a salary for the ^{Status} local courts of a county shall be deemed an employee of the county for the purposes of *The Workmen's Compensation Act* and of any municipal plan of superannuation, group insurance or sick leave credit. ^{R.S.O. 1960, c. 437}
- (8) The local municipalities not forming part of a county ^{Contribution} for municipal purposes shall pay to the county such proper proportion of the cost of the court reporter or reporters appointed for the local courts of the county as is agreed upon or, failing agreement, as is determined by arbitration.
- 8.** Sections 16, 17, 18 and 19 of *The County Judges Act* ^{R.S.O. 1960, c. 77, s. 16, re-enacted; ss. 17-19, repealed} are repealed and the following substituted therefor:
- 16.—(1) The chief judge shall be president of the county ^{Chief judge, president} and district courts.
- (2) The chief judge shall occupy chambers at Toronto. ^{chambers}
- (3) The chief judge may designate one of the other ^{absence, etc.} judges to act in his place for all purposes during his absence from the province or illness.
- (4) The chief judge is responsible for arranging the sittings of the various courts, including chambers, which are presided over by the judges of the county and district courts, in order to ensure the due dispatch of the business of such courts, and this section extends to the surrogate courts and the division courts where it is customary for the county or district judge to act as judge of the surrogate court or division court. ^{to arrange sittings of the courts}
- (5) For the purpose of arranging the sittings of the ^{meetings of judges} various courts and considering matters relating to the courts and the judges, the chief judge shall convene a meeting of the judges and junior judges of each county and district court district at least once in each year and shall preside thereat.
- (6) The chief judge and the judges and junior judges of ^{idem} the county and district court district shall discuss and consider the time and other requirements of the various courts in the county or district court district, having regard to the efficient administration of justice

in Ontario, and shall make such arrangements as may be necessary or proper for the holding of such courts, including chambers, and the transaction of such business as are customarily held and transacted by the judges and junior judges of the county or district court district with power in the chief judge to make such re-adjustment or re-assignment as he deems necessary or proper from time to time.

rotation

- (7) In the arrangement of the courts and the assignment of judges thereto, regard shall be had to,

(a) the desirability of rotating the judges within each county and district court district; and

(b) the greater volume of judicial work in certain of the counties and districts;

but no judge or junior judge shall be required to sit outside his county or district court district, as the case may be, without his consent.

council of
judges

- (8) For the purpose of considering any matter relating to the administration of justice in the county and district courts and other courts presided over by the county and district court judges, the chief judge shall assemble in Toronto once in every year all the judges and junior judges of the county and district courts and he shall preside over such meeting.

Commence-
ment

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The County Judges Amendment Act, 1961-62*.

An Act to amend
The County Judges Act

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 62

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The County Judges Act

MR. ROBERTS

(Reprinted for consideration by the Committee of the Whole House)

EXPLANATORY NOTES

SECTIONS 1 and 2. Self-explanatory.

SECTION 3. The section repealed authorizes the judges in York County to make their own arrangements for the proper holding of their courts.

SECTION 4. Clause *a* fixes the allowance to be paid by the Province to the Chief Judge of the County and District Courts. Clause *aa* is the former clause *a* with the adjective "senior" deleted.

SECTION 5. The chief judge is substituted for the senior judge in the court district.

BILL 62

1961-62

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The County Judges Act* is amended by renumbering R.S.O. 1960 c. 77, s. 4, amended section 1 as section 1a and by adding thereto the following amended section:

1. In addition to the judges otherwise provided for in this Act, a Chief Judge of the County and District Courts, herein referred to as the chief judge, may be appointed, and he shall have all the powers of a judge throughout Ontario.

2. Subsection 2 of section 4 of *The County Judges Act* is R.S.O. 1960 c. 77, s. 4, amended by adding at the commencement thereof "After the chief judge", so that the subsection shall read as follows: amended

- (2) After the chief judge, the judges and junior judges, Rank and precedence respectively, have rank and precedence among themselves according to seniority of appointment.

3. Section 5 of *The County Judges Act* is repealed.

R.S.O. 1960,
c. 77, s. 5,
repealed

4. Clause a of subsection 1 of section 9 of *The County Judges Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 77, s. 9, subs. 1, cl. a, re-enacted

- (a) to the chief judge, an allowance at the rate of \$5,000 per annum;

- (aa) to the judge of the county court of the county of York, an allowance at the rate of \$2,500 per annum; and

.

5. Section 10 of *The County Judges Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 77, s. 10, re-enacted

Oath of
office

10. Every judge and junior judge shall take and subscribe the following oath before the chief judge or a judge designated by him:

I,, do swear that I will,
truly and faithfully, according to my skill and knowl-
edge, execute the several duties, powers and trusts of
judge of the Court of the
..... of
So help me God.

R.S.O. 1960,
c. 77, s. 12,
re-enacted

6. Section 12 of *The County Judges Act* is repealed and the following substituted therefor:

Place of
hearing

12. The chief judge may empower the judge or a junior judge of a county or district court to hear and dispose of or otherwise deal with any matter depending in his court at any place either within or outside the county or district, as the case may be.

R.S.O. 1960,
c. 77, s. 13,
subss. 1-8,
re-enacted

7. Subsections 1, 2, 3, 4, 5, 6, 7 and 8 of section 13 of *The County Judges Act* are repealed and the following substituted therefor:

Court
reporters,
appoint-
ment

- (1) The Lieutenant Governor in Council may appoint one or more court reporters for the local courts of any county or provisional judicial district, and, where more than one is appointed for a county or provisional judicial district, the Lieutenant Governor in Council may designate one of them as the senior court reporter.

Direction

- (2) Every court reporter shall be under the direction of the judge or, in his absence, of the junior judge or judges of the county or district for the local court of which he is appointed, and, where a senior court reporter is designated, the other court reporter or reporters shall also be subject to the direction of the senior court reporter.

Remunera-
tion

- (3) Every court reporter is entitled to such remuneration as the Lieutenant Governor in Council prescribes.

Fees for
transcripts

- (4) Every court reporter who is appointed at a salary is nevertheless entitled to take for his own use fees for transcriptions unless he is expressly prohibited from so doing by the terms of his appointment.

Idem

- (5) Where a court reporter is appointed at a salary and is expressly prohibited from taking fees for his own use for transcriptions, he shall collect the fees for such transcriptions and pay them over to the treasurer of the county.

SECTION 6. The chief judge is substituted for the Lieutenant Governor

SECTION 7. The terminology is changed in order that other types of reporting besides shorthand may be used. Otherwise, the section is unchanged.

SECTION 8. The sections are amended to provide for the operation of the county court district system, having regard to the functions of the chief judge.

- (6) The Lieutenant Governor in Council may prescribe Fees fees for court reporters.
- (7) Every court reporter appointed at a salary for the Status local courts of a county shall be deemed an employee of the county for the purposes of *The Workmen's Compensation Act* and of any municipal plan of superannuation, group insurance or sick leave credit. R.S.O. 1960, c. 437
- (8) The local municipalities not forming part of a county Contribution for municipal purposes shall pay to the county such proper proportion of the cost of the court reporter or reporters appointed for the local courts of the county as is agreed upon or, failing agreement, as is determined by arbitration.

8. Sections 16, 17, 18 and 19 of *The County Judges Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 77, s. 16, re-enacted; ss. 17-19, repealed

- 16.—(1) The chief judge shall be president of the county Chief judge, president and district courts.
- (2) The chief judge shall occupy chambers at Toronto. chambers
- (3) The chief judge may designate one of the other absence, etc. judges to act in his place for all purposes during his absence from the province or illness.
- (4) To ensure the dispatch of business of the various courts, including chambers, that are presided over by the judges of the county and district courts, including the surrogate and division courts where it is customary for the county or district court judge to act as judge of the surrogate court and the division court, the chief judge shall have general supervisory powers over arranging the sittings of such courts, including chambers. to supervise arrangement of sittings of court
- (5) For the purpose of arranging the sittings of the various courts and considering matters relating to the courts and the judges, the chief judge shall convene a meeting of the judges and junior judges of each county and district court district at least once in each year and shall preside thereat. meetings of judges
- (6) The chief judge and the judges and junior judges of the county and district court district shall discuss and consider the time and other requirements of the various courts in the county or district court district, having regard to the efficient administration of justice idem

in Ontario, and shall make such arrangements as may be necessary or proper for the holding of such courts, including chambers, and the transaction of such business as are customarily held and transacted by the judges and junior judges of the county or district court district with power in the chief judge to make such re-adjustment or re-assignment as he deems necessary or proper from time to time.

rotation

(7) In the arrangement of the courts and the assignment of judges thereto, regard shall be had to,

(a) the desirability of rotating the judges within each county and district court district; and

(b) the greater volume of judicial work in certain of the counties and districts;

but no judge or junior judge shall be required to sit outside his county or district court district, as the case may be, without his consent.

council of
judges

(8) For the purpose of considering any matter relating to the administration of justice in the county and district courts and other courts presided over by the county and district court judges, the chief judge shall assemble in Toronto once in every year all the judges and junior judges of the county and district courts and he shall preside over such meeting.

Commence-
ment

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The County Judges Amendment Act, 1961-62.*



Page 10 of 10

An Act to amend
The County Judges Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

MR. ROBERTS

*(Reprinted for consideration by the
Committee of the Whole House)*

BILL 62

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The County Judges Act

MR. ROBERTS

BILL 62

1961-62

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The County Judges Act* is amended by renumbering R.S.O. 1960 c. 77, s. 4, amended section 1 as section 1a and by adding thereto the following amended section:

1. In addition to the judges otherwise provided for in Chief judge this Act, a Chief Judge of the County and District Courts, herein referred to as the chief judge, may be appointed, and he shall have all the powers of a judge throughout Ontario.

2. Subsection 2 of section 4 of *The County Judges Act* is R.S.O. 1960 c. 77, s. 4, amended amended by adding at the commencement thereof "After the chief judge", so that the subsection shall read as follows:

- (2) After the chief judge, the judges and junior judges, Rank and precedence respectively, have rank and precedence among themselves according to seniority of appointment.

3. Section 5 of *The County Judges Act* is repealed. R.S.O. 1960, c. 77, s. 5, repealed

4. Clause a of subsection 1 of section 9 of *The County Judges Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 77, s. 9, subs. 1, cl. a, re-enacted

- (a) to the chief judge, an allowance at the rate of \$5,000 per annum;

- (aa) to the judge of the county court of the county of York, an allowance at the rate of \$2,500 per annum; and

.

5. Section 10 of *The County Judges Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 77, s. 10, re-enacted

Oath of
office

10. Every judge and junior judge shall take and subscribe the following oath before the chief judge or a judge designated by him:

I,, do swear that I will,
truly and faithfully, according to my skill and knowl-
edge, execute the several duties, powers and trusts of
judge of the Court of the
..... of
So help me God.

R.S.O. 1960,
c. 77, s. 12,
re-enacted

6. Section 12 of *The County Judges Act* is repealed and the following substituted therefor:

Place of
hearing

12. The chief judge may empower the judge or a junior judge of a county or district court to hear and dispose of or otherwise deal with any matter depending in his court at any place either within or outside the county or district, as the case may be.

R.S.O. 1960,
c. 77, s. 13,
subss. 1-8,
re-enacted

7. Subsections 1, 2, 3, 4, 5, 6, 7 and 8 of section 13 of *The County Judges Act* are repealed and the following substituted therefor:

Court
reporters,
appoint-
ment

- (1) The Lieutenant Governor in Council may appoint one or more court reporters for the local courts of any county or provisional judicial district, and, where more than one is appointed for a county or provisional judicial district, the Lieutenant Governor in Council may designate one of them as the senior court reporter.

Direction

- (2) Every court reporter shall be under the direction of the judge or, in his absence, of the junior judge or judges of the county or district for the local court of which he is appointed, and, where a senior court reporter is designated, the other court reporter or reporters shall also be subject to the direction of the senior court reporter.

Remunera-
tion

- (3) Every court reporter is entitled to such remuneration as the Lieutenant Governor in Council prescribes.

Fees for
transcripts

- (4) Every court reporter who is appointed at a salary is nevertheless entitled to take for his own use fees for transcriptions unless he is expressly prohibited from so doing by the terms of his appointment.

Idem

- (5) Where a court reporter is appointed at a salary and is expressly prohibited from taking fees for his own use for transcriptions, he shall collect the fees for such transcriptions and pay them over to the treasurer of the county.

(6) The Lieutenant Governor in Council may prescribe ^{Fees} fees for court reporters.

(7) Every court reporter appointed at a salary for the ^{Status} local courts of a county shall be deemed an employee of the county for the purposes of *The Workmen's Compensation Act* and of any municipal plan of ^{R.S.O. 1960, c. 437} superannuation, group insurance or sick leave credit.

(8) The local municipalities not forming part of a county ^{Contribution} for municipal purposes shall pay to the county such proper proportion of the cost of the court reporter or reporters appointed for the local courts of the county as is agreed upon or, failing agreement, as is determined by arbitration.

8. Sections 16, 17, 18 and 19 of *The County Judges Act* ^{R.S.O. 1960, c. 77, s. 16, re-enacted; ss. 17-19, repealed} are repealed and the following substituted therefor:

16.—(1) The chief judge shall be president of the county ^{Chief judge president} and district courts.

(2) The chief judge shall occupy chambers at Toronto. ^{chambers}

(3) The chief judge may designate one of the other ^{absence, etc.} judges to act in his place for all purposes during his absence from the province or illness.

(4) To ensure the dispatch of business of the various ^{to supervise arrangement of sittings of court} courts, including chambers, that are presided over by the judges of the county and district courts, including the surrogate and division courts where it is customary for the county or district court judge to act as judge of the surrogate court and the division court, the chief judge shall have general supervisory powers over arranging the sittings of such courts, including chambers.

(5) For the purpose of arranging the sittings of the ^{meetings of judges} various courts and considering matters relating to the courts and the judges, the chief judge shall convene a meeting of the judges and junior judges of each county and district court district at least once in each year and shall preside thereat.

(6) The chief judge and the judges and junior judges of ^{idem} the county and district court district shall discuss and consider the time and other requirements of the various courts in the county or district court district, having regard to the efficient administration of justice

in Ontario, and shall make such arrangements as may be necessary or proper for the holding of such courts, including chambers, and the transaction of such business as are customarily held and transacted by the judges and junior judges of the county or district court district with power in the chief judge to make such re-adjustment or re-assignment as he deems necessary or proper from time to time.

rotation

(7) In the arrangement of the courts and the assignment of judges thereto, regard shall be had to,

(a) the desirability of rotating the judges within each county and district court district; and

(b) the greater volume of judicial work in certain of the counties and districts;

but no judge or junior judge shall be required to sit outside his county or district court district, as the case may be, without his consent.

council of
judges

(8) For the purpose of considering any matter relating to the administration of justice in the county and district courts and other courts presided over by the county and district court judges, the chief judge shall assemble in Toronto once in every year all the judges and junior judges of the county and district courts and he shall preside over such meeting.

Commence-
ment

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The County Judges Amendment Act, 1961-62*.

An Act to amend
The County Judges Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 63

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Division Courts Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1. Clause *h* is new. It is complementary to section 2 of the Bill.

SECTION 2. Self-explanatory.

SECTION 3. These amendments increase the jurisdiction of the division courts from \$200 to \$400 in the types of action mentioned.

SECTION 4. These amendments increase to \$200 the amount of money that must be involved in a case before it may be appealed to the Court of Appeal.

SECTION 5. This section is new.

BILL 63

1961-62

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 1 of section 1 of *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 110, s. 1, subs. 1, cl. *h*, re-enacted

(*h*) "judge" means,

(i) a division court judge appointed under this Act,

(ii) the judge or a junior judge of a county court.

2. *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1960, c. 110, amended

11*a*. The Lieutenant Governor in Council may appoint division court judges. Appointment of judges by Lieut. Gov. in Council

3.—(1) Clause *a* of subsection 1 of section 54 of *The Division Courts Act* is amended by striking out "\$200" in the second line and inserting in lieu thereof "\$400". R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *a*, amended

(2) Clause *b* of subsection 1 of the said section 54 is repealed. R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *b*, repealed

(3) Clause *e* of subsection 1 of the said section 54 is amended by striking out "\$200" in the third line and inserting in lieu thereof "\$400". R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *e*, amended

4.—(1) Clause *a* of section 108 of *The Division Courts Act* is amended by striking out "\$100" in the second line and inserting in lieu thereof "\$200". R.S.O. 1960, c. 110, s. 108, cl. *a*, amended

(2) Clause *b* of the said section 108 is amended by striking out "\$100" in the third line and "\$60" in the fifth line and inserting in lieu thereof in each instance "\$200". R.S.O. 1960, c. 110, s. 108, cl. *b*, amended

5. *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1960, c. 110, amended

- Rehearing 114a.—(1) Where the judge before whom an action is tried, either with or without a jury, dies before giving judgment, or having reserved his judgment after having heard the evidence does not deliver judgment within six months thereafter, any party may, upon notice to all other parties, apply to the Chief Judge of the County and District Courts for an order directing that the action be reheard by such judge as he designates.
- Idem (2) An order made under subsection 1 shall name the place where the action is to be reheard, and in making such order the chief judge may give such other directions as he deems fit.
- Further evidence (3) No further evidence shall be received upon such rehearing except by leave of the court.
- Further proceedings (4) No proceedings in the action shall thereafter be taken without the order of the chief judge after notice.
- Judgment on rehearing (5) Upon such rehearing, the evidence, exhibits and papers used at the trial shall be read, and after argument by counsel the presiding judge shall deal with the action as on an original trial and shall direct that judgment be entered by the court clerk in accordance with his findings.
- Costs of rehearing (6) The costs of the rehearing shall be fixed by the judge presiding at the rehearing, who shall also direct by whom they are to be paid.
- Appeal (7) An appeal lies from such judgment or finding in the same manner and on the same terms as if the judgment had been pronounced at the trial.
- R.S.O. 1960, c. 110, s. 214, re-enacted **6.** Section 214 of *The Division Courts Act* is repealed and the following substituted therefor:
- Increased jurisdiction in districts 214.—(1) In any of the types of action in which a division court is given jurisdiction by section 54, the division courts in the provisional judicial districts have jurisdiction where the amount claimed does not exceed \$800.
- Rules of Practice to apply (2) In every such action in which the amount claimed exceeds \$400, the rules relating to pleadings as from time to time contained in the Rules of Practice and Procedure of the Supreme Court apply *mutatis mutandis*, and a judge may in his absolute discretion make such order or direction as to production and discovery, including costs, as he sees fit.

SECTION 6. This section applies only in the division courts in the provisional judicial districts. It will enable actions up to \$800 to be brought without consent, with discovery and with counsel.

- (3) A person, other than a barrister or solicitor, may not ^{Counsel} appear as agent for a party at the trial or hearing of an action brought under this section in which the amount claimed exceeds \$400.

7. The increased jurisdiction provided in subsection 1 of ^{Application of increased jurisdiction} section 54 and section 214 of *The Division Courts Act* by sections 3 and 6 of this Act applies to actions that are commenced after sections 3 and 6 of this Act come into force.

8. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant Governor by his proclamation. ^{ment}

9. This Act may be cited as *The Division Courts Amendment* ^{Short title} Act, 1961-62 (No. 2).

An Act to amend
The Division Courts Act

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 63

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Division Courts Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTES

SECTION 1. Clause *h* is new. It is complementary to section 2 of the Bill.

SECTION 2. Self-explanatory.

SECTION 3. These amendments increase the jurisdiction of the division courts from \$200 to \$400 in the types of action mentioned.

SECTION 4. This section is new.

BILL 63

1961-62

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 1 of section 1 of *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 110, s. 1, subs. 1, cl. *h*, re-enacted

(*h*) "judge" means,

(i) a division court judge appointed under this Act,

(ii) the judge or a junior judge of a county court.

2. *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1960, c. 110, amended

11a. The Lieutenant Governor in Council may appoint division court judges. Appointment of judges by Lieut. Gov. in Council

3.—(1) Clause *a* of subsection 1 of section 54 of *The Division Courts Act* is amended by striking out "\$200" in the second line and inserting in lieu thereof "\$400". R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *a*, amended

(2) Clause *b* of subsection 1 of the said section 54 is repealed. R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *b*, repealed

(3) Clause *e* of subsection 1 of the said section 54 is amended by striking out "\$200" in the third line and inserting in lieu thereof "\$400". R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *e*, amended

4. *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1960, c. 110, amended

114a.—(1) Where the judge before whom an action is tried, either with or without a jury, dies before giving judgment, or having reserved his judgment after having heard the evidence does not deliver judgment within six months thereafter, any party may, upon notice to all other parties, apply to the Rehearing

Chief Judge of the County and District Courts for an order directing that the action be reheard by such judge as he designates.

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| Idem | (2) An order made under subsection 1 shall name the place where the action is to be reheard, and in making such order the chief judge may give such other directions as he deems fit. |
| Further evidence | (3) No further evidence shall be received upon such rehearing except by leave of the court. |
| Further proceedings | (4) No proceedings in the action shall thereafter be taken without the order of the chief judge after notice. |
| Judgment on rehearing | (5) Upon such rehearing, the evidence, exhibits and papers used at the trial shall be read, and after argument by counsel the presiding judge shall deal with the action as on an original trial and shall direct that judgment be entered by the court clerk in accordance with his findings. |
| Costs of rehearing | (6) The costs of the rehearing shall be fixed by the judge presiding at the rehearing, who shall also direct by whom they are to be paid. |
| Appeal | (7) An appeal lies from such judgment or finding in the same manner and on the same terms as if the judgment had been pronounced at the trial. |

R.S.O. 1960,
c. 110, s. 214,
re-enacted

5. Section 214 of *The Division Courts Act* is repealed and the following substituted therefor:

Increased
jurisdiction
in districts

214.—(1) In any of the types of action in which a division court is given jurisdiction by section 54, the division courts in the provisional judicial districts have jurisdiction where the amount claimed does not exceed \$800.

Rules of
Practice to
apply

(2) In every such action in which the amount claimed exceeds \$400, the rules relating to pleadings as from time to time contained in the Rules of Practice and Procedure of the Supreme Court apply *mutatis mutandis*, and a judge may in his absolute discretion make such order or direction as to production and discovery, including costs, as he sees fit.

Counsel

(3) A person, other than a barrister or solicitor, may not appear as agent for a party at the trial or hearing of an action brought under this section in which the amount claimed exceeds \$400.

SECTION 5. This section applies only in the division courts in the provisional judicial districts. It will enable actions up to \$800 to be brought without consent, with discovery and with counsel.

6. The increased jurisdiction provided in subsection 1 of Application of increased jurisdiction section 54 and section 214 of *The Division Courts Act* by jurisdiction sections 3 and 6 of this Act applies to actions that are commenced after sections 3 and 6 of this Act come into force.

7. This Act comes into force on a day to be named by the Commencement Lieutenant Governor by his proclamation.

8. This Act may be cited as *The Division Courts Amendment* Short title *Act, 1961-62 (No. 2)*.

An Act to amend
The Division Courts Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee on Legal Bills)

BILL 63

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Division Courts Act

MR. ROBERTS

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Clause *h* is new. It is complementary to section 2 of the Bill.

SECTION 2. Self-explanatory.

SECTION 3. These amendments increase the jurisdiction of the division courts from \$200 to \$400 in the types of action mentioned.

SECTION 4. This section is new.

BILL 63

1961-62

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 1 of section 1 of *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 110, s. 1,
subs. 1, cl. *h*,
re-enacted

(*h*) "judge" means,

(i) a division court judge appointed under this Act,

(ii) the judge or a junior judge of a county court.

2. *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 110,
amended

11a. The Lieutenant Governor in Council may appoint division court judges. Appoint-
ment of
judges by
Lieut. Gov.
in Council

3.—(1) Clause *a* of subsection 1 of section 54 of *The Division Courts Act* is amended by striking out "\$200" in the second line and inserting in lieu thereof "\$400". R.S.O. 1960,
c. 110, s. 54,
subs. 1, cl. *a*,
amended

(2) Clause *b* of subsection 1 of the said section 54 is repealed. R.S.O. 1960,
c. 110, s. 54,
subs. 1, cl. *b*,
repealed

(3) Clause *c* of subsection 1 of the said section 54 is amended by striking out "\$200" in the fourth line and inserting in lieu thereof "\$400". R.S.O. 1960,
c. 110, s. 54,
subs. 1, cl. *c*,
amended

(4) Clause *e* of subsection 1 of the said section 54 is amended by striking out "\$200" in the third line and inserting in lieu thereof "\$400". R.S.O. 1960,
c. 110, s. 54,
subs. 1, cl. *e*,
amended

4. *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 110,
amended

114a.—(1) Where the judge before whom an action is tried, either with or without a jury, dies before giving judgment, or having reserved his judgment Rehearing

after having heard the evidence does not deliver judgment within six months thereafter, any party may, upon notice to all other parties, apply to the Chief Judge of the County and District Courts for an order directing that the action be reheard by such judge as he designates.

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| Idem | (2) An order made under subsection 1 shall name the place where the action is to be reheard, and in making such order the chief judge may give such other directions as he deems fit. |
| Further evidence | (3) No further evidence shall be received upon such rehearing except by leave of the court. |
| Further proceedings | (4) No proceedings in the action shall thereafter be taken without the order of the chief judge after notice. |
| Judgment on rehearing | (5) Upon such rehearing, the evidence, exhibits and papers used at the trial shall be read, and after argument by counsel the presiding judge shall deal with the action as on an original trial and shall direct that judgment be entered by the court clerk in accordance with his findings. |
| Costs of rehearing | (6) The costs of the rehearing shall be fixed by the judge presiding at the rehearing, who shall also direct by whom they are to be paid. |
| Appeal | (7) An appeal lies from such judgment or finding in the same manner and on the same terms as if the judgment had been pronounced at the trial. |

R.S.O. 1960, c. 110, s. 214, re-enacted **5.** Section 214 of *The Division Courts Act* is repealed and the following substituted therefor:

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| Increased jurisdiction in districts | 214.—(1) In any of the types of action in which a division court is given jurisdiction by section 54, the division courts in the provisional judicial districts have jurisdiction where the amount claimed does not exceed \$800. |
| Rules of Practice to apply | (2) In every such action in which the amount claimed exceeds \$400, the rules relating to pleadings as from time to time contained in the Rules of Practice and Procedure of the Supreme Court apply <i>mutatis mutandis</i> , and a judge may in his absolute discretion make such order or direction as to production and discovery, including costs, as he sees fit. |
| Counsel | (3) A person, other than a barrister or solicitor, may not appear as agent for a party at the trial or hearing of an action brought under this section in which the amount claimed exceeds \$400. |

SECTION 5. This section applies only in the division courts in the provisional judicial districts. It will enable actions up to \$800 to be brought without consent, with discovery and with counsel.

6. The increased jurisdiction provided in subsection 1 of Application of increased jurisdiction section 54 and section 214 of *The Division Courts Act* by jurisdiction sections 3 and 5 of this Act applies to actions that are commenced after sections 3 and 5 of this Act come into force.

7. This Act comes into force on a day to be named by the Commencement Lieutenant Governor by his proclamation.

8. This Act may be cited as *The Division Courts Amendment* Short title *Act, 1961-62 (No. 2)*.

An Act to amend
The Division Courts Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

MR. ROBERTS

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 63

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Division Courts Act

MR. ROBERTS

BILL 63

1961-62

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 1 of section 1 of *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 110, s. 1, subs. 1, cl. *h*, re-enacted

(*h*) "judge" means,

(i) a division court judge appointed under this Act,

(ii) the judge or a junior judge of a county court.

2. *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1960, c. 110, amended

11a. The Lieutenant Governor in Council may appoint division court judges. Appointment of judges by Lieut. Gov. in Council

3.—(1) Clause *a* of subsection 1 of section 54 of *The Division Courts Act* is amended by striking out "\$200" in the second line and inserting in lieu thereof "\$400". R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *a*, amended

(2) Clause *b* of subsection 1 of the said section 54 is repealed. R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *b*, repealed

(3) Clause *c* of subsection 1 of the said section 54 is amended by striking out "\$200" in the fourth line and inserting in lieu thereof "\$400". R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *c*, amended

(4) Clause *e* of subsection 1 of the said section 54 is amended by striking out "\$200" in the third line and inserting in lieu thereof "\$400". R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *e*, amended

4. *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1960, c. 110, amended

114a.—(1) Where the judge before whom an action is tried, either with or without a jury, dies before giving judgment, or having reserved his judgment Rehearing

after having heard the evidence does not deliver judgment within six months thereafter, any party may, upon notice to all other parties, apply to the Chief Judge of the County and District Courts for an order directing that the action be reheard by such judge as he designates.

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| Idem | (2) An order made under subsection 1 shall name the place where the action is to be reheard, and in making such order the chief judge may give such other directions as he deems fit. |
| Further evidence | (3) No further evidence shall be received upon such rehearing except by leave of the court. |
| Further proceedings | (4) No proceedings in the action shall thereafter be taken without the order of the chief judge after notice. |
| Judgment on rehearing | (5) Upon such rehearing, the evidence, exhibits and papers used at the trial shall be read, and after argument by counsel the presiding judge shall deal with the action as on an original trial and shall direct that judgment be entered by the court clerk in accordance with his findings. |
| Costs of rehearing | (6) The costs of the rehearing shall be fixed by the judge presiding at the rehearing, who shall also direct by whom they are to be paid. |
| Appeal | (7) An appeal lies from such judgment or finding in the same manner and on the same terms as if the judgment had been pronounced at the trial. |

R.S.O. 1960,
c. 110, s. 214,
re-enacted

5. Section 214 of *The Division Courts Act* is repealed and the following substituted therefor:

Increased
jurisdiction
in districts

214.—(1) In any of the types of action in which a division court is given jurisdiction by section 54, the division courts in the provisional judicial districts have jurisdiction where the amount claimed does not exceed \$800.

Rules of
Practice to
apply

(2) In every such action in which the amount claimed exceeds \$400, the rules relating to pleadings as from time to time contained in the Rules of Practice and Procedure of the Supreme Court apply *mutatis mutandis*, and a judge may in his absolute discretion make such order or direction as to production and discovery, including costs, as he sees fit.

Counsel

(3) A person, other than a barrister or solicitor, may not appear as agent for a party at the trial or hearing of an action brought under this section in which the amount claimed exceeds \$400.

6. The increased jurisdiction provided in subsection 1 of Application of increased jurisdiction section 54 and section 214 of *The Division Courts Act* by jurisdiction sections 3 and 5 of this Act applies to actions that are commenced after sections 3 and 5 of this Act come into force.

7. This Act comes into force on a day to be named by the Commencement Lieutenant Governor by his proclamation.

8. This Act may be cited as *The Division Courts Amendment* Short title *Act, 1961-62 (No. 2)*.

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An Act to amend
The Division Courts Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 64

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The General Sessions Act

MR. ROBERTS

EXPLANATORY NOTE

The purpose of this Bill is to bring *The General Sessions Act* into line with *The County Courts Act* and *The County Judges Act* as amended by Bills 61 and 62, thus providing more efficient methods of specifying different opening days for sittings, the place of sittings, and the adjournment of sittings of courts of general sessions of the peace.

BILL 64

1961-62

An Act to amend The General Sessions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The General Sessions Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 163, s. 1,
re-enacted

1. In this Act,

Interpre-
tation

(a) "chief judge" means the Chief Judge of the County and District Courts;

(b) "court" means a court of general sessions of the peace.

2. Subsections 10, 11 and 12 of section 3 of *The General Sessions Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 163, s. 3,
subss. 10, 11,
re-enacted;
subs. 12,
repealed

(10) After first obtaining the approval of the chief judge, the judge of a county or district court may specify a different opening day for the sittings of the court from those provided in this section, in which case the sittings shall be held on the day so specified. Different
opening day

(11) Notice of a different opening day shall be posted or otherwise given as the chief judge may direct. Notice

3. Section 5 of *The General Sessions Act* is amended by striking out "Lieutenant Governor, by proclamation" in the second and third lines and inserting in lieu thereof "chief judge", so that the section shall read as follows: R.S.O. 1960,
c. 163, s. 5,
amended

5. The sittings of the court shall be held in the county town of the county, unless the chief judge authorizes the holding of the sittings at some other place in the county. Place of
sittings

R.S.O. 1960,
c. 163, s. 9,
amended

4. Section 9 of *The General Sessions Act* is amended by striking out "Attorney General" in the sixth line of subsection 1 and in the second line of subsection 2 and inserting in lieu thereof in each instance "chief judge", so that the section shall read as follows:

Adjourn-
ment of
sittings

9.—(1) Where a judge is unable to hold the sittings at the time appointed, the sheriff or his deputy may, by proclamation, adjourn the court to any hour on the following day to be by him named, and so from day to day until a judge is able to hold the court or until he receives other directions from the judge or from the chief judge.

Notice

(2) The sheriff shall forthwith give notice of such adjournment to the chief judge.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The General Sessions Amendment Act, 1961-62.*





An Act to amend
The General Sessions Act

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 64

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The General Sessions Act

MR. ROBERTS

BILL 64

1961-62

An Act to amend The General Sessions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The General Sessions Act* is repealed and the following substituted therefor: R.S.O. 1960 c. 163, s. 1, re-enacted

1. In this Act,

Interpre-
tation

(a) "chief judge" means the Chief Judge of the County and District Courts;

(b) "court" means a court of general sessions of the peace.

2. Subsections 10, 11 and 12 of section 3 of *The General Sessions Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 163, s. 3, subss. 10, 11, re-enacted; subs. 12, repealed

(10) After first obtaining the approval of the chief judge, the judge of a county or district court may specify a different opening day for the sittings of the court from those provided in this section, in which case the sittings shall be held on the day so specified. Different opening day

(11) Notice of a different opening day shall be posted or otherwise given as the chief judge may direct. Notice

3. Section 5 of *The General Sessions Act* is amended by striking out "Lieutenant Governor, by proclamation" in the second and third lines and inserting in lieu thereof "chief judge", so that the section shall read as follows: R.S.O. 1960, c. 163, s. 5, amended

5. The sittings of the court shall be held in the county town of the county, unless the chief judge authorizes the holding of the sittings at some other place in the county. Place of sittings

R.S.O. 1960,
c. 163, s. 9,
amended

4. Section 9 of *The General Sessions Act* is amended by striking out "Attorney General" in the sixth line of subsection 1 and in the second line of subsection 2 and inserting in lieu thereof in each instance "chief judge", so that the section shall read as follows:

Adjourn-
ment of
sittings

9.—(1) Where a judge is unable to hold the sittings at the time appointed, the sheriff or his deputy may, by proclamation, adjourn the court to any hour on the following day to be by him named, and so from day to day until a judge is able to hold the court or until he receives other directions from the judge or from the chief judge.

Notice

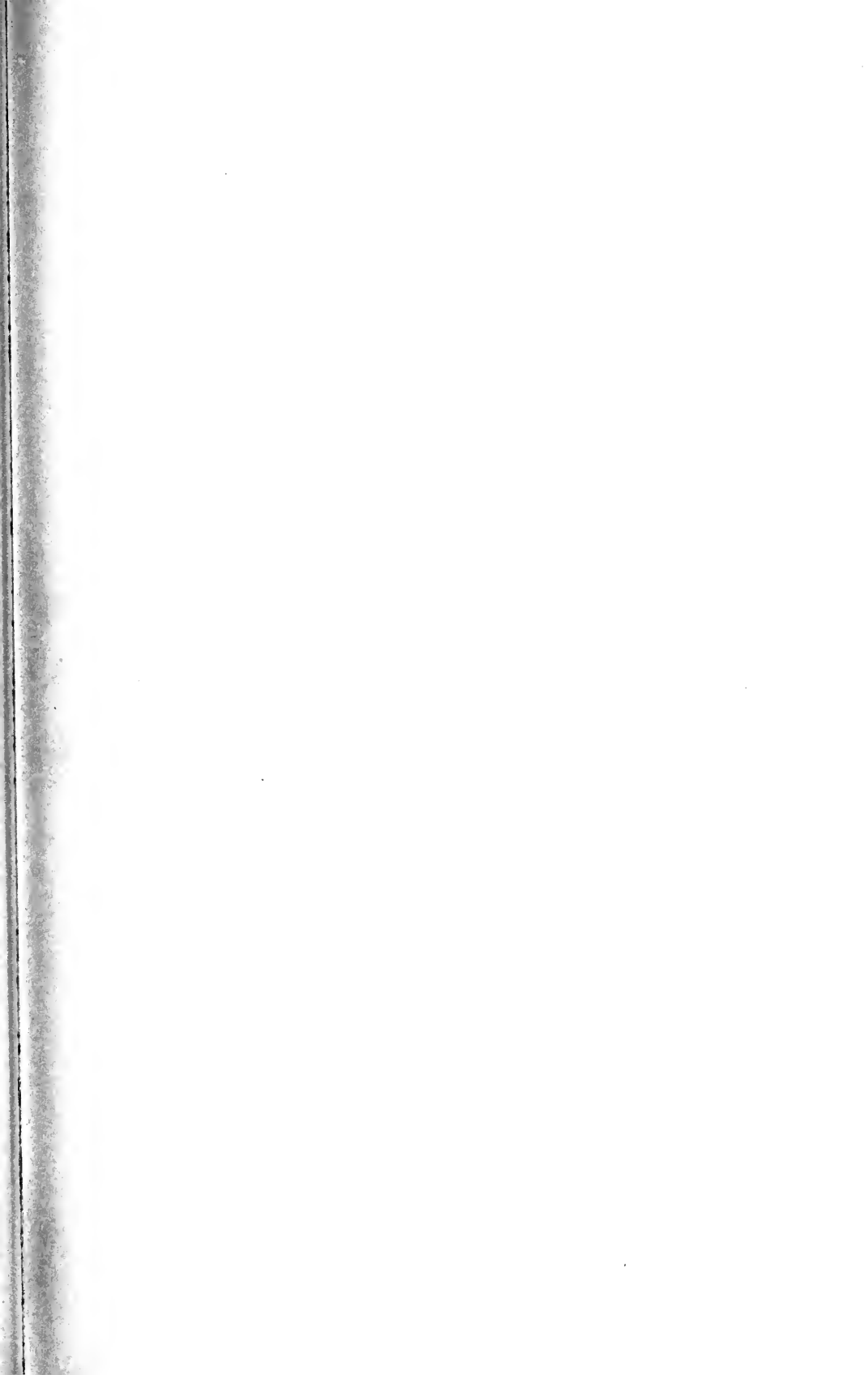
(2) The sheriff shall forthwith give notice of such adjournment to the chief judge.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The General Sessions Amendment Act, 1961-62*.



An Act to amend
The General Sessions Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 65

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Judicature Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1. The purpose of this amendment is to remove the limiting effect of the words that are deleted, thus enabling sittings of the High Court to be held anywhere in the county or district that the presiding judge directs (as well as in the county or district town).

SECTION 2. This amendment will make the Chief Judge of the County and District Courts a member of the Rules Committee.

BILL 65

1961-62

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 46 of *The Judicature Act* is R.S.O. 1960, c. 197, s. 46, amended by striking out "where accommodation therein is subs. 5, not available" in the second line, so that the subsection shall amended read as follows:

(5) The sittings shall be held in the court house of the county or at such other place in the county as the presiding judge directs. ^{Sittings to be held in court house}

2. Subsection 1 of section 111 of *The Judicature Act* is R.S.O. 1960, c. 197, s. 111, amended by adding thereto the following clause: ^{subs. 1, amended}

(aa) the Chief Judge of the County and District Courts.

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Section 2 comes into force on a day to be named by Idem the Lieutenant Governor by his proclamation.

4. This Act may be cited as *The Judicature Amendment Act, 1961-62 (No. 2)*. ^{Short title}

An Act to amend
The Judicature Act

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 65

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Judicature Act

MR. ROBERTS

BILL 65

1961-62

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 46 of *The Judicature Act* is amended by striking out "where accommodation therein is not available" in the second line, so that the subsection shall read as follows: R.S.O. 1960, c. 197, s. 46, subs. 5, amended

(5) The sittings shall be held in the court house of the county or at such other place in the county as the presiding judge directs. Sittings to be held in court house

2. Subsection 1 of section 111 of *The Judicature Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 197, s. 111, subs. 1, amended

(aa) the Chief Judge of the County and District Courts.

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

4. This Act may be cited as *The Judicature Amendment Act, 1961-62 (No. 2)*. Short title

An Act to amend
The Judicature Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 66

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Juvenile and Family Courts Act

MR. ROBERTS

EXPLANATORY NOTE

The purpose of this Bill is to authorize regulations and arrangements designed to provide full-time, trained judges for the juvenile and family courts.

BILL 66

1961-62

**An Act to amend
The Juvenile and Family Courts Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Juvenile and Family Courts Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 201
amended

16a.—(1) To render practical a system of full-time, Apportion-
ment of
costs
trained judges for the juvenile and family courts,

(a) the Lieutenant Governor in Council may make such regulations providing for the apportionment of the salaries and expenses thereof between or among municipalities as he deems fit; and

(b) the Attorney General may approve such arrangements as may, in his opinion, promote such a system.

(2) For the furthering of such a judicial system, any Utilization
of voted
moneys
moneys appropriated by the Legislature for that purpose may be utilized as the Attorney General may direct.

2. This Act comes into force on a day to be named by the Commence-
ment
Lieutenant Governor by his proclamation.

3. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1961-62*. Short title

An Act to amend
The Juvenile and Family Courts Act

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 66

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Juvenile and Family Courts Act

MR. ROBERTS

(Reprinted for consideration by the Committee of the Whole House)

EXPLANATORY NOTES

SECTIONS 1 and 3 (1). The effect of these amendments is to transfer the power to appoint stenographers, clerks, etc., from the Attorney General to the municipality in and for which the court is established.

SECTION 2. This amendment adds supplemental medical and surgical insurance to the purposes for which officers and members of the staffs of juvenile and family courts shall be deemed to be employees of the municipality that pays their salaries.

BILL 66

1961-62

An Act to amend The Juvenile and Family Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Juvenile and Family Courts Act* is repealed. R.S.O. 1960,
c. 201, s. 13,
repealed

2. Section 14 of *The Juvenile and Family Courts Act* is amended by adding at the end thereof "and any supplemental medical or surgical insurance", so that the section shall read as follows: R.S.O. 1960,
c. 201, s. 14,
amended

14. All officers and members of the staff of a juvenile and family court, except the judge and deputy judges, shall be deemed to be employees of the municipality that pays their salaries for the purposes of pensions, sick leave credits, holidays with pay, and the Ontario plan of hospital care insurance and any supplemental medical or surgical insurance. Status of
officers
and staff

3.—(1) Subsection 1 of section 16 of *The Juvenile and Family Courts Act* is amended by inserting after "provide" in the second line "stenographers, typists, clerks and other persons and", so that the subsection shall read as follows: R.S.O. 1960,
c. 201, s. 16,
subs. 1,
amended

(1) The municipality in and for which a juvenile and family court is established shall provide stenographers, typists, clerks and other persons and a suitable room for hearing cases, and offices, furniture, equipment and supplies for the judge, deputy judges and all other officers and the members of the staff and shall make provision for and pay the expenses of the court including the salaries of the judge, deputy judges and all other officers and the members of the staff. Stenog-
raphers,
clerks,
accommo-
dation,
expenses,
salaries, etc.

R.S.O. 1960,
c. 201, s. 16,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 16 is repealed and the following substituted therefor:

Judges'
salaries,
payment of

- (2) The salary of every full-time judge and every full-time deputy judge, every part-time judge who also sits as a magistrate in a magistrate's court and every part-time deputy judge who also sits as a magistrate in a magistrate's court shall be paid out of the moneys that are voted therefor by the Legislature, and an amount equal to the salary and any other allowance paid in the first instance by the Province shall be paid quarterly to the Treasurer of Ontario by the municipality or municipalities that would, but for this subsection, be responsible for the payment of such salaries.

R.S.O. 1960,
c. 201,
amended

4. *The Juvenile and Family Courts Act* is amended by adding thereto the following section:

Apportion-
ment of
costs

16a.—(1) To render practical a system of full-time, trained judges for the juvenile and family courts,

(a) the Lieutenant Governor in Council may make such regulations providing for the apportionment of the salaries and expenses thereof between or among municipalities as he deems fit; and

(b) the Attorney General may approve such arrangements as may, in his opinion, promote such a system.

Utilization
of voted
moneys

- (2) For the furthering of such a judicial system, any moneys appropriated by the Legislature for that purpose may be utilized as the Attorney General may direct.

Commence-
ment

5. This Act comes into force on the 1st day of July, 1962.

Short title

6. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1961-62*.

SECTION 3 (2). The purpose of this amendment is to allow magistrates who are also part-time judges or deputy judges of juvenile and family courts to qualify in both capacities for their pensions.

SECTION 4. The purpose of this amendment is to authorize regulations and arrangements designed to provide full-time, trained judges for the juvenile and family courts.

The Juvenile and Family Courts Act
An Act to amend

An Act to amend
The Juvenile and Family Courts Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

MR. ROBERTS

*(Reprinted for consideration by the
Committee of the Whole House)*

BILL 66

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Juvenile and Family Courts Act

MR. ROBERTS

BILL 66

1961-62

An Act to amend The Juvenile and Family Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Juvenile and Family Courts Act* is ^{R.S.O. 1960, c. 201, s. 13,} repealed.

2. Section 14 of *The Juvenile and Family Courts Act* is ^{R.S.O. 1960, c. 201, s. 14,} amended by adding at the end thereof "and any supplemental ^{amended} medical or surgical insurance", so that the section shall read as follows:

14. All officers and members of the staff of a juvenile and family court, except the judge and deputy judges, shall be deemed to be employees of the municipality that pays their salaries for the purposes of pensions, sick leave credits, holidays with pay, and the Ontario plan of hospital care insurance and any supplemental medical or surgical insurance. ^{Status of officers and staff}

3.—(1) Subsection 1 of section 16 of *The Juvenile and Family Courts Act* is amended by inserting after "provide" ^{R.S.O. 1960, c. 201, s. 16,} in the second line "stenographers, typists, clerks and other ^{subs. 1,} persons and", so that the subsection shall read as follows: ^{amended}

- (1) The municipality in and for which a juvenile and family court is established shall provide stenographers, typists, clerks and other persons and a suitable room for hearing cases, and offices, furniture, equipment and supplies for the judge, deputy judges and all other officers and the members of the staff and shall make provision for and pay the expenses of the court including the salaries of the judge, deputy judges and all other officers and the members of the staff. ^{Stenographers, clerks, accommodation, expenses, salaries, etc.}

R.S.O. 1960,
c. 201, s. 16,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 16 is repealed and the following substituted therefor:

Judges'
salaries,
payment of

- (2) The salary of every full-time judge and every full-time deputy judge, every part-time judge who also sits as a magistrate in a magistrate's court and every part-time deputy judge who also sits as a magistrate in a magistrate's court shall be paid out of the moneys that are voted therefor by the Legislature, and an amount equal to the salary and any other allowance paid in the first instance by the Province shall be paid quarterly to the Treasurer of Ontario by the municipality or municipalities that would, but for this subsection, be responsible for the payment of such salaries.

R.S.O. 1960,
c. 201,
amended

4. *The Juvenile and Family Courts Act* is amended by adding thereto the following section:

Apportion-
ment of
costs

16a.—(1) To render practical a system of full-time, trained judges for the juvenile and family courts,

- (a) the Lieutenant Governor in Council may make such regulations providing for the apportionment of the salaries and expenses thereof between or among municipalities as he deems fit; and

- (b) the Attorney General may approve such arrangements as may, in his opinion, promote such a system.

Utilization
of voted
moneys

- (2) For the furthering of such a judicial system, any moneys appropriated by the Legislature for that purpose may be utilized as the Attorney General may direct.

Commence-
ment

5. This Act comes into force on the 1st day of July, 1962.

Short title

6. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1961-62*.



An Act to amend
The Juvenile and Family Courts Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 67

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Surrogate Courts Act

MR. ROBERTS

EXPLANATORY NOTE

SECTION 1. The purpose of this Bill is to restrict the type of case that may be removed from a surrogate court into the Supreme Court by requiring the deceased's property to be more than \$20,000 in value (instead of \$2,000).

SECTION 2. This section is new.

BILL 67

1961-62

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 31 of *The Surrogate Courts Act* R.S.O. 1960, c. 388, s. 31, subs. 1, amended is amended by striking out "\$2,000" in the fifth line and inserting in lieu thereof "\$20,000", so that the subsection shall read as follows:

- (1) Any contentious cause or proceeding may be re-Removal of causes, etc., to S.C.O. moved into the Supreme Court by order of a judge of such court if it is of such a nature and of such importance as to render it proper that it should be disposed of by the Supreme Court, and the property of the deceased exceeds \$20,000 in value.

2. Section 76 of *The Surrogate Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 388, s. 76, re-enacted

76.—(1) Where the judge before whom any matter or proceeding under this Act is tried dies before disposing of it or having heard it has not disposed of it within six months thereafter, any party may, upon notice to all other parties, apply to the Chief Judge of the County and District Courts for an order that the matter or proceeding be reheard by such judge or junior judge of a surrogate court as he designates. Rehearing

(2) An order made under subsection 1 shall name the place where the matter or proceeding is to be reheard and, in making such order, the chief judge may give such other directions as he deems fit. Idem

(3) No proceedings in the matter or proceeding shall thereafter be taken without the order of the chief judge after notice. Further proceedings

(4) Upon such rehearing, the evidence, exhibits and papers used at the trial shall be read and, after Judgment on rehearing

argument by counsel, the presiding judge shall deal with the action as on an original trial and shall direct that judgment be entered by the county court clerk in accordance with his findings.

Costs of
rehearing

- (5) The costs of the rehearing shall be fixed by the judge presiding at the rehearing, who shall also direct by whom they are to be paid.

Appeal

- (6) An appeal lies from such judgment or finding in the same manner and on the same terms as if the judgment had been pronounced at the trial.

Application
of increased
amount

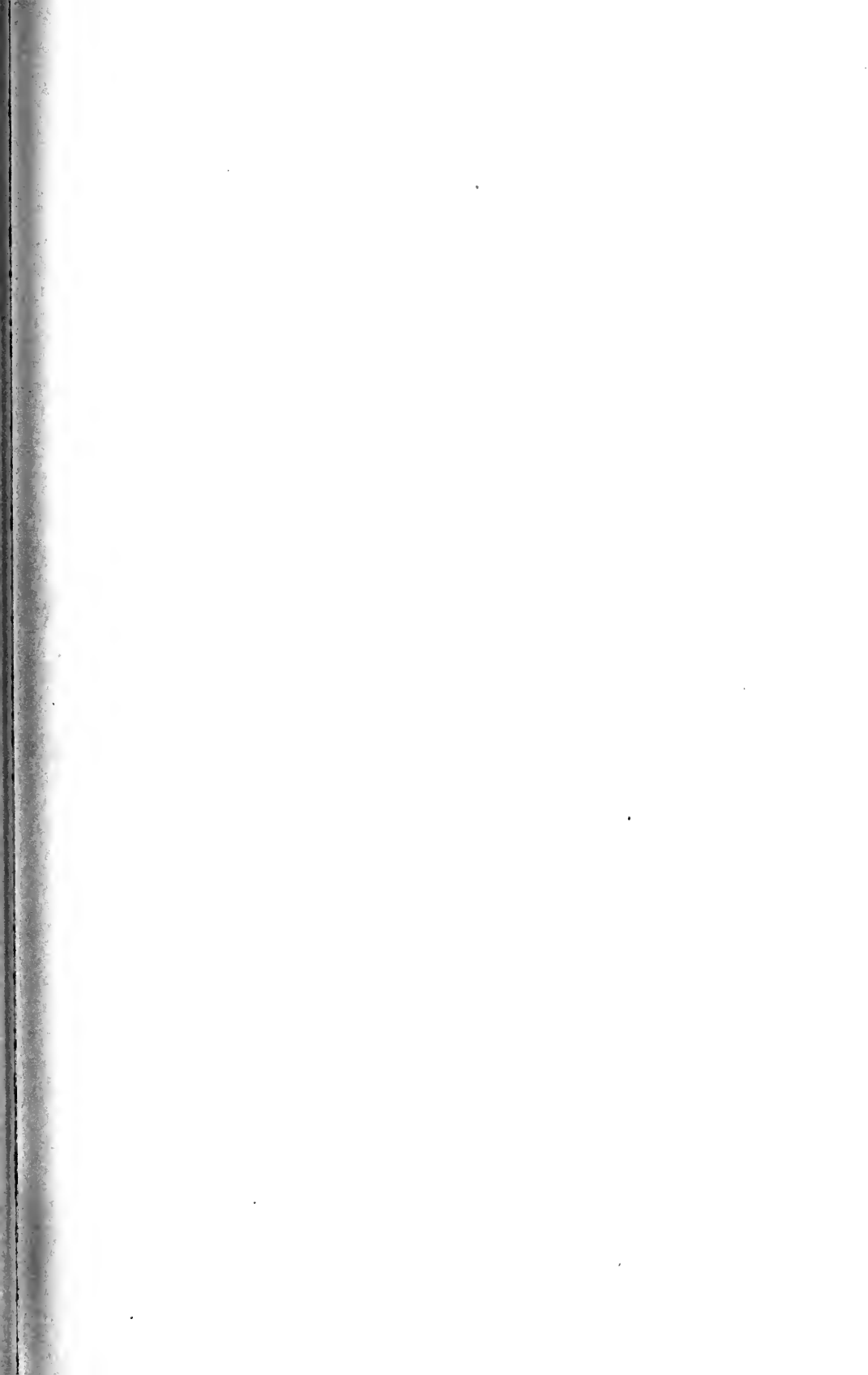
- 3.** The increased amount provided in subsection 1 of section 31 of *The Surrogate Courts Act* by section 1 of this Act applies to contentious causes and proceedings that are commenced after section 1 of this Act comes into force.

Commence-
ment

- 4.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 5.** This Act may be cited as *The Surrogate Courts Amendment Act, 1961-62*.



An Act to amend
The Surrogate Courts Act

1st Reading

February 20th, 1962

2nd Reading

3rd Reading

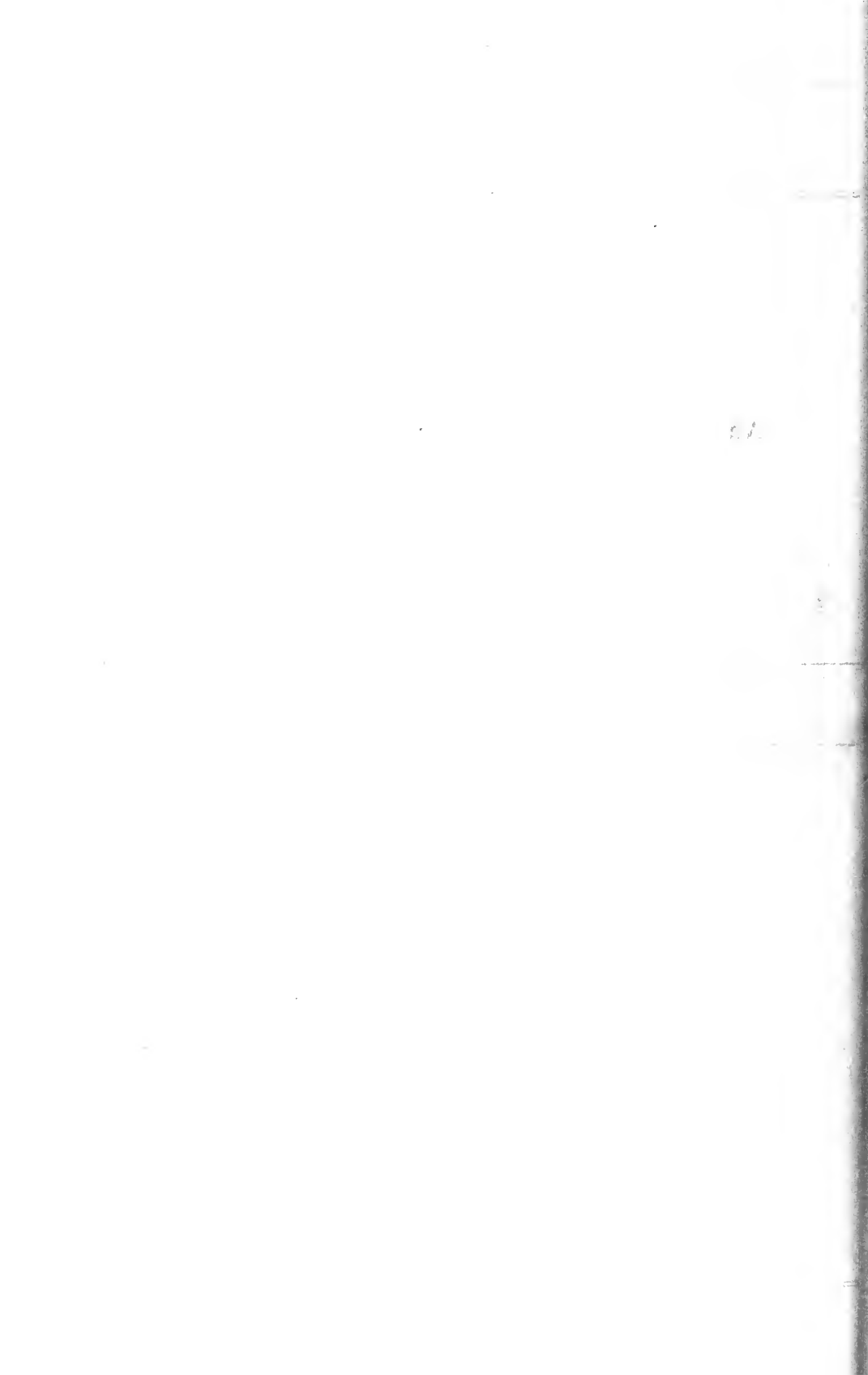
MR. ROBERTS

BILL 67

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Surrogate Courts Act

MR. ROBERTS



BILL 67

1961-62

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 31 of *The Surrogate Courts Act* ^{R.S.O. 1960, c. 388, s. 31, subs. 1, amended} is amended by striking out "\$2,000" in the fifth line and inserting in lieu thereof "\$20,000", so that the subsection shall read as follows:

- (1) Any contentious cause or proceeding may be removed into the Supreme Court by order of a judge of such court if it is of such a nature and of such importance as to render it proper that it should be disposed of by the Supreme Court, and the property of the deceased exceeds \$20,000 in value. ^{Removal of causes, etc., to S.C.O.}

2. Section 76 of *The Surrogate Courts Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 388, s. 76, re-enacted}

- 76.—(1) Where the judge before whom any matter or proceeding under this Act is tried dies before disposing of it or having heard it has not disposed of it within six months thereafter, any party may, upon notice to all other parties, apply to the Chief Judge of the County and District Courts for an order that the matter or proceeding be reheard by such judge or junior judge of a surrogate court as he designates. ^{Rehearing}
- (2) An order made under subsection 1 shall name the place where the matter or proceeding is to be reheard and, in making such order, the chief judge may give such other directions as he deems fit. ^{Idem}
- (3) No proceedings in the matter or proceeding shall thereafter be taken without the order of the chief judge after notice. ^{Further proceedings}
- (4) Upon such rehearing, the evidence, exhibits and papers used at the trial shall be read and, after ^{Judgment on rehearing}

argument by counsel, the presiding judge shall deal with the action as on an original trial and shall direct that judgment be entered by the county court clerk in accordance with his findings.

Costs of
rehearing

- (5) The costs of the rehearing shall be fixed by the judge presiding at the rehearing, who shall also direct by whom they are to be paid.

Appeal

- (6) An appeal lies from such judgment or finding in the same manner and on the same terms as if the judgment had been pronounced at the trial.

Application
of increased
amount

- 3.** The increased amount provided in subsection 1 of section 31 of *The Surrogate Courts Act* by section 1 of this Act applies to contentious causes and proceedings that are commenced after section 1 of this Act comes into force.

Commence-
ment

- 4.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 5.** This Act may be cited as *The Surrogate Courts Amendment Act, 1961-62*.



An Act to amend
The Surrogate Courts Act

1st Reading

February 20th, 1962

2nd Reading

February 27th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 68

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Election Act

MR. BRYDEN

EXPLANATORY NOTE

A new section is added to fix maximum election expenses that may be incurred by candidates and parties and to require that goods or services contributed be acknowledged and included as expenses.

BILL 68

1961-62

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Election Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 118,
amended

- 194.—(1) The total expenses incurred in an election by a candidate or on his behalf other than by the central organization of a political party, including the personal expenses of the candidate as defined in subsection 2 of section 188, shall not exceed 20 cents for each person whose name has been entered on the polling list in a rural polling subdivision and 15 cents for each person whose name has been entered on the polling list in an urban subdivision in the electoral district concerned. Maximum
expenses of
candidate
- (2) The total expenses incurred in an election by or on behalf of the central organization of a political party represented in the election by more than one candidate shall not exceed 15 cents for each person whose name has been entered on the polling lists in the electoral districts in which the political party is represented by a candidate. Maximum
expenses
of political
party
- (3) No person or organization shall publish or cause to be published any advertisement, poster, leaflet, handbill, pamphlet, book, or other printed matter, or any announcement or programme on radio or television, or shall contribute or cause to be contributed any other commodity or service for the benefit of a candidate or political party in an election without the consent in writing of the candidate's official agent or of a duly authorized representative of the political party, as the case may be, and, where such consent is given, the cost of the publishing and the value of the contribution, excluding free time contributed by Contributions

a television or radio broadcasting station or network of stations to all candidates in an electoral district or to all political parties represented in the election on a basis accepted by them, shall be included in the total election expenses referred to in subsections 1 and 2.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Election Amendment Act, 1961-62*.

An Act to amend The Election Act

1st Reading

February 21st, 1962

2nd Reading

3rd Reading

MR. BRYDEN

BILL 69

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

The Game and Fish Act, 1961-62

MR. SPOONER

EXPLANATORY NOTE

This is a complete revision of the Act, which was last revised in 1946.

The purpose of the revision is to simplify the Act and to bring it into line with present administrative practices.

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BILL 69

1961-62

The Game and Fish Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "closed season" means a period that is not an open season;
2. "deer" includes wapiti (commonly called elk);
3. "Department" means the Department of Lands and Forests;
4. "dog" means any of the species *Canis familiaris* Linnaeus;
5. "domestic animals and domestic birds" includes any non-native species kept in captivity, except pheasants, but does not include native species kept in captivity or non-native species present in the wild state;
6. "farmer" means a person whose chief occupation is farming and,
 - (a) who is living upon and tilling his own land, or land to the possession of which he is for the time being entitled, or
 - (b) who is a *bona fide* settler engaged in clearing land for the purpose of bringing it to a state of cultivation;
7. "ferret" means any of the domesticated forms of the old world polecat (*Putorius putorius*) used for hunting;

8. "fur-bearing animal" means a beaver, fisher, fox, lynx, marten, mink, muskrat, otter, raccoon, skunk, red squirrel, weasel, wolverine or any other animal that the Lieutenant Governor in Council declares to be a fur-bearing animal, and includes any part of such animal;
9. "game" means a game animal, game bird or fur-bearing animal and includes any part of such animal;
10. "game animal" means any animal, except a fur-bearing animal, protected by this Act, and includes any part of such animal;
11. "game bird" means any bird protected by this Act or the *Migratory Birds Convention Act* (Canada), and includes any part of such bird;
12. "game bird hunting preserve" means any area in which pheasants or other game birds propagated under a licence are released for hunting purposes;
13. "holder of a licence" means the person named in the licence;
14. "hunting" includes chasing, pursuing, following after or on the trail of, searching for, shooting, shooting at, stalking or lying in wait for, worrying, molesting, taking or destroying any animal or bird, whether or not the animal or bird be then or subsequently captured, injured or killed, and "hunt" and "hunter" have corresponding meanings;
15. "licence" means an instrument issued under this Act conferring upon the holder the privilege of doing the things set forth in it, subject to the conditions, limitations and restrictions contained in it and in this Act and in the regulations, but no licence is or shall operate as a lease;
16. "Minister" means the Minister of Lands and Forests;
17. "non-resident" means a person who has not actually resided in Ontario for a period of at least seven months during the twelve months immediately preceding the time that his residence becomes material under this Act;

18. "officer" means a conservation officer or a deputy conservation officer and includes a member of the Ontario Provincial Police Force or any other person authorized to enforce this Act;
19. "Ontario Fishery Regulations" means the Ontario Fishery Regulations made under the *Fisheries Act* ^{R.S.C. 1952, c. 119} (Canada);
20. "open season" means a specified period during which specified game or fish may be taken;
21. "owner", with reference to land, includes any person who is the owner of an interest in land entitling him to the possession of it, but does not include the holder of a timber licence;
22. "pelt" means the untanned skin of a fur-bearing animal;
23. "pheasant" means any of the species *Phasianus colchicus* Linnaeus;
24. "rabbit" includes cottontail rabbit, varying hare and European hare;
25. "regulations" means the regulations made under this Act;
26. "resident" means a person who has actually resided in Ontario for a period of at least seven months during the twelve months immediately preceding the time that his residence becomes material under this Act;
27. "snare" means a device for the taking of animals whereby they are caught in a noose, and "snaring" has a corresponding meaning;
28. "trap" means a spring trap, gin, deadfall, snare, box or net used to capture game, and "trapping" has a corresponding meaning;
29. "vehicle" means a vehicle that is drawn, propelled or driven by any kind of power, including muscular power, and includes the rolling stock of a railway;
30. "vessel" means a boat or ship, and includes a skiff, canoe, punt and raft. R.S.O. 1960, c. 158, s. 1, amended.

APPLICATION

Application
of Act

2. This Act does not apply,

- (a) to domestic animals and domestic birds, except dogs;
- (b) to a person taking or destroying a hawk, kingfisher or owl or any animal, other than a caribou, deer or moose, on his own lands in defence or preservation of his property by any means at any time; or
- (c) to a person destroying a beaver dam in defence or preservation of his property. R.S.O. 1960, c. 158, ss. 2, 36, *part, amended*.

ADMINISTRATION

Purpose of
the Act

3. The purpose of this Act is to provide for the management, perpetuation and rehabilitation of the wildlife resources in Ontario, and to establish and maintain a maximum wildlife population consistent with all other proper uses of lands and waters. *New*.

Administra-
tion of Act

4. The administration of this Act is under the control and direction of the Minister. R.S.O. 1960, c. 158, s. 3, *amended*.

Revenue

5. Except as otherwise provided by this Act, all rentals, licence fees, fines, penalties, proceeds of the sale of game and fish and of all property forfeited, and other receipts, fees and revenues under this Act or the regulations, or under any licence or instrument authorized by or under this Act, shall be paid to the Treasurer of Ontario. R.S.O. 1960, c. 158, s. 77, *amended*.

Power to
acquire
lands under
R.S.O. 1960,
c. 338

6.—(1) Land may be acquired under *The Public Works Act* for the purposes of management, perpetuation and rehabilitation of the wildlife resources in Ontario.

Idem

(2) The Minister on behalf of Her Majesty in right of Ontario may receive and take from any person by grant, gift, devise, bequest or otherwise any property, real or personal, or any interest therein for the purposes mentioned in subsection 1. 1960-61, c. 32, s. 1, *amended*.

Appoint-
ment of
conserva-
tion officers

7.—(1) The Minister may appoint conservation officers for carrying out this Act and the regulations. *New*.

Deputy con-
servation
officers

(2) The Minister may appoint deputy conservation officers in and for any part of Ontario to serve without remuneration.

(3) Every appointment under subsection 2 shall be for the period stated in the appointment. R.S.O. 1960, c. 158, s. 4, ^{Termination of appointments} amended.

8.—(1) An officer may, without a search warrant,

Search of
vehicles,
vessels, etc.

- (a) stop, enter and search any aircraft, vehicle or vessel;
- (b) enter and search any fishing, hunting, mining, lumber or construction camp, or any office of any common carrier, or any premises where pelts are bought or sold; and
- (c) open and inspect any trunk, box, bag, parcel or receptacle,

if he has reasonable grounds to believe that any of them contains any game or fish killed, taken, shipped or had in possession in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act. ^{R.S.C. 1952, c. 179}

(2) An officer who has reasonable grounds to believe that it is necessary to enter any building which by this Act he is not authorized to enter without a search warrant shall make a deposition before a justice of the peace, and, where the justice is satisfied that there is reasonable ground for believing that there is in the building, ^{Search warrant}

- (a) anything upon or in respect of which an offence against this Act or the regulations has been or is suspected to have been committed; or
- (b) anything which there is reasonable ground to believe will afford evidence as to the commission of any such offence,

he may at any time issue a search warrant.

(3) An officer may use as much force as is necessary for him to exercise the powers conferred upon him by subsection 1 or in the execution of a search warrant issued under subsection 2. R.S.O. 1960, c. 158, s. 6 (1, 2), ^{Use of force} amended.

9. An officer on view may arrest without process any person found committing a contravention of this Act or of the regulations, in which case he shall bring him with reasonable diligence before a competent court to be dealt with according to law. R.S.O. 1960, c. 158, s. 6 (3). ^{Arrest on view}

Entry upon
private
property

10. An officer in the discharge of his duties and any person by him accompanied or authorized for the purpose may enter upon and pass through or over private lands without being liable for trespass. R.S.O. 1960, c. 158, s. 6 (4), *amended*.

Authority
to prosecute

11. An officer shall investigate all contraventions of this Act and the regulations brought to his notice and may prosecute any person who he has reasonable cause to believe is guilty of an offence against this Act. R.S.O. 1960, c. 158, s. 6 (6), *amended*.

Obstructing
officers

12. No person shall obstruct, hinder or delay or interfere with an officer in the discharge of his duty by violence or threats or by giving false information, or in any other manner. R.S.O. 1960, c. 158, s. 6 (8).

Authority
to stop
vehicles,
vessels

13. An officer may stop a vehicle or vessel for the purpose of,

- (a) determining whether the occupants of the vehicle or vessel have been hunting or fishing; or
- (b) obtaining information as to the number and species of game or fish taken. *New*.

Power of
inspection of
documents
by officers

R.S.C. 1952,
c. 179

14. No person shall refuse to allow an officer to examine any book, invoice or document containing any entry or memorandum relating to game or fish that the officer suspects of being taken or possessed in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, and he shall afford every reasonable facility for the examination, and, upon refusal, the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct the examination and remove any such book, invoice or document to safe-keeping. R.S.O. 1960, c. 158, s. 70, *part, amended*.

Seizure of
game and
other
property

15.—(1) Any game or fish suspected of having been taken or possessed and any thing, except an aircraft, vehicle or vessel, suspected of having been used in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, shall be seized.

Seizure of
aircraft, etc.

(2) An aircraft, vehicle or vessel,

- (a) suspected of having been used; or

- (b) used in transporting game or fish suspected of having been taken or possessed,

in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* R.S.C. 1952, c. 179 (Canada) or the regulations made under that Act may be seized.

- (3) Upon conviction, any property seized under this section is forfeited to the Crown in right of Ontario as represented by the Minister. Forfeiture of property seized R.S.O. 1960, c. 158, s. 81 (1), *amended*.

GENERAL PROVISIONS

16. No person shall for hire, gain or reward, or hope thereof, hunt game, or employ, hire or for valuable consideration, induce any other person to hunt game. Hunting for hire prohibited R.S.O. 1960, c. 158, s. 48.

17.—(1) No person shall hunt or fish or with any gun or sporting implement, fishing rod or tackle in his possession go upon any enclosed or unenclosed land or water after he has had oral or written notice not to hunt or fish thereon by the owner or by a person authorized by the owner to give such notice. Entry after notice

- (2) No person shall,

(a) without authority give or cause to be given the notice mentioned in subsection 1; or Wrongful erection or destruction of notices

(b) tear down, remove, deface, damage or interfere with any notice put up, posted or placed pursuant to subsection 1. R.S.O. 1960, c. 158, s. 66 (2, 3), *amended*.

(3) No person shall, for the purpose of hunting or fishing, enter into or allow a dog to enter into growing or standing grain or any other crop, whether of one kind or not, without the permission of the owner or a person authorized by the owner to give such permission. Growing crops

(4) No person in a party of more than twelve persons shall hunt or with any gun or sporting implement enter upon any enclosed or unenclosed land in a county without the permission of the owner or a person authorized by the owner to give such permission. Hunting in parties exceeding twelve

(5) No person shall without authority enter or attempt to enter upon lands owned by the Crown that are used for the purpose of propagating or retaining game or fish. Entry on Crown lands used for propagating or retaining game or fish

Destruction
of notices
or signs

(6) No person shall tear down, remove, damage, deface or interfere with any notice or sign of the Department put up, posted or placed for the purposes of this Act. R.S.O. 1960, c. 158, s. 65 (1-4), *amended*.

Common
law remedy
for trespass

(7) Nothing in this section limits or in any way affects the remedy at common law of an owner for trespass. R.S.O. 1960, c. 158, s. 65 (5).

Right of
apprehension

(8) Every person found contravening any provision of this section may be apprehended without warrant by a constable or by the owner of the land on which the contravention takes place, or by the servant of or by any person authorized by such owner, and be taken forthwith to a justice of the peace to be dealt with according to law. R.S.O. 1960, c. 158, s. 66 (5); 1960-61, c. 32, s. 10, *amended*.

Offence of
hunting
carelessly

18. Every person is guilty of the offence of hunting carelessly who, being in possession of an air-gun or fire-arm for the purpose of hunting, discharges or causes to be discharged or handles such air-gun or fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. 1960-61, c. 32, s. 11, *amended*.

Use of
aircraft

19. Except as provided in the regulations, no person shall use an aircraft while hunting. R.S.O. 1960, c. 158, s. 59, *amended*.

Fire-arms
in game
areas

20.—(1) No person, while engaged in hunting or trapping game or while going to or returning from a hunting camp or locality that game inhabits or where game is usually found, shall,

- (a) have a loaded air-gun or fire-arm in or on, or discharge the same from, an aircraft or a vehicle; or
- (b) discharge an air-gun or fire-arm from or across the travelled portion of a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles. R.S.O. 1960, c. 158, s. 60 (1), *amended*.

Fire-arms
in power-
boats
R.S.C. 1952,
c. 179

(2) Except as otherwise provided in the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, no person shall have a loaded air-gun or fire-arm in or on or discharge the same from a power-boat. R.S.O. 1960, c. 158, s. 60 (2).

(3) A fire-arm having an unfired shell or cartridge in the chamber or in a magazine attached to the fire-arm shall be deemed to be loaded within the meaning of this section. ^{Interpre-}
R.S.O. 1960, c. 158, s. 60 (3), *amended*.

21. Notwithstanding section 19 and clause *a* of subsection 1 of section 20, wolves may be hunted from an aircraft or a vehicle under the authority of a licence issued by the Minister and subject to such terms and conditions as are prescribed by the regulations. <sup>Hunting
wolves</sup>
R.S.O. 1960, c. 158, s. 61, *amended*.

22. In a locality that game usually inhabits or in which game is usually found, no person shall have an air-gun or fire-arm in his possession for the purpose of hunting unless it is unloaded and encased between one-half hour after sunset and one-half hour before sunrise of any day. <sup>Prohibition
as to guns</sup>
R.S.O. 1960, c. 158, s. 47, cl. (a), *amended*.

23. Notwithstanding section 22, the holder of a licence to hunt raccoon may possess or use a fire-arm for the purpose of hunting raccoon during the open season therefor when accompanied by a dog licensed therefor. <sup>Exception,
raccoon
hunting</sup>
R.S.O. 1960, c. 158, s. 47, cl. (d), *amended*.

24. No person shall hunt any animal or bird with a repeating, automatic or auto-loading shot-gun that has not been permanently plugged or altered so that it is incapable of holding a total of more than three shells at one time in the chamber and magazine. <sup>Automatic
shot-guns</sup>
R.S.O. 1960, c. 158, s. 62.

25.—(1) Except as provided in the regulations, no person shall hunt, trap or possess, or attempt to trap, any animal or bird in a provincial park or in a Crown game preserve. <sup>Hunting,
etc., in
provincial
parks</sup>

(2) Except as provided in the regulations, no person shall possess in a provincial park or in a Crown game preserve any trap, explosive, gun or sporting implement. <sup>Weapons in
provincial
parks</sup>
R.S.O. 1960, c. 158, s. 11, *amended*.

26. Except as provided in the regulations, no person shall take or kill or attempt to take or kill any animal by means of poison. <sup>Poison
prohibited</sup>
R.S.O. 1960, c. 158, s. 46, *amended*.

27. Except as provided in the regulations, no person shall use a ferret in hunting game animals. ^{Ferrets}
R.S.O. 1960, c. 158, s. 33 (10), *amended*.

28. No person who has taken or killed an animal, bird or fish suitable for food shall allow the flesh to be destroyed or spoiled. <sup>Flesh not to
be wasted</sup>
R.S.O. 1960, c. 158, s. 58, *part*.

Release of
imported
stock

29. Without the written authority of the Minister, no person shall release into natural cover any animal or bird imported into Ontario or propagated from stock imported into Ontario. R.S.O. 1960, c. 158, s. 49 (2).

Importation
of game

30. Nothing in this Act prevents the bringing of game into Ontario from a place outside Ontario or the possession in Ontario of game taken outside Ontario if the game was legally taken. R.S.O. 1960, c. 158, s. 49 (1), *amended*.

Hotels,
restaurants,
etc.

31. Except with the written authority of the Minister, no hotel, restaurant, boarding-house or other commercial premises shall mention on a bill of fare or serve any game, other than game that has been propagated or sold under a licence. R.S.O. 1960, c. 158, ss. 13, 45, *amended*.

Offence to
make false
statement

32. Any person who knowingly makes any false statement in any application, statement under oath, report or return required by this Act or the regulations is, in addition to any other penalty for which he may be liable, guilty of an offence against this Act. R.S.O. 1960, c. 158, s. 25 (9), *amended*.

LICENCES

Licences

33. Except under the authority of a licence, no person shall hunt or trap or attempt to trap animals or birds. R.S.O. 1960, c. 158, s. 7 (1), *amended*.

Contraven-
tion of
terms, etc.

34.—(1) No person shall contravene the terms or conditions of his licence. *New*.

Transfer of
licence,
coupon or
seal

(2) Except as prescribed by the regulations, no licence shall be transferred and no person shall buy, sell, exchange or in any way be a party to the transfer of a licence, shipping coupon or seal, or in any way use or attempt to use a licence, shipping coupon or seal issued to any other person.

Issue of
licence dis-
cretionary

(3) The issue of a licence is in the discretion of the Minister. R.S.O. 1960, c. 158, s. 25 (1, 3), *amended*.

Refund of
fees

(4) The Minister may direct the refund of the whole or any part of the fee paid for any licence where, owing to the licence not having been used, or having been used for part only of the period for which it was issued, he deems it just, and the Treasurer of Ontario, upon the written request of the Minister, shall cause the refund to be made to the holder of the licence. R.S.O. 1960, c. 158, s. 76, *amended*.

Cancellation
of licence
in event
of error

(5) The Minister may cancel any licence where an error has been made from any cause when issuing it, and the holder

has no claim for indemnity or compensation with respect to it other than the adjustment or refund of any fee collected. R.S.O. 1960, c. 158, s. 67 (2), *amended*.

(6) Except as provided in the regulations, no holder of a licence shall hunt game unless at that time he has the licence on his person. R.S.O. 1960, c. 158, s. 25 (6), *part, amended*. Licence to be carried

(7) The holder of a licence shall produce and show it to any officer whenever requested by the officer. R.S.O. 1960, c. 158, s. 25 (4), *amended*. Production of licence on demand

(8) The holder of a licence shall wear in a conspicuous place on his person any badge that is furnished to him by the Department at the time of the issue of the licence, and the licence with which a badge is furnished at the time of issue is not valid unless the holder is wearing the badge in the manner required by this subsection. R.S.O. 1960, c. 158, s. 25 (6), *part, amended*. Wearing of badge

(9) The holder of a licence obtained by any false or misleading statement made in respect of any information required for the issue of the licence shall be deemed to be the holder of a void licence and the holder may be prosecuted under this Act in the same manner and with the same effect as he could be prosecuted if he were not the holder of a licence. R.S.O. 1960, c. 158, s. 25 (8), *amended*. Licence obtained by misrepresentation

35. Except as prescribed by the regulations, no licence shall be issued to any person under the age of sixteen years. R.S.O. 1960, c. 158, s. 9. Minors

36.—(1) No person shall issue any licence or collect any fee in respect thereof unless authorized by the Minister. Issuers of licences

(2) No issuer of licences shall issue and no person shall possess a hunting licence that does not exhibit the name of the holder or that is antedated or undated. R.S.O. 1960, c. 158, s. 26, *amended*. Licences not to be issued in blank

(3) Every issuer of licences shall keep such records and make such returns relating thereto as are prescribed by the regulations. *New*. Failure to make returns

37.—(1) The Minister may in writing authorize any township to pass by-laws for issuing and fixing the maximum number of licences to hunt, during the open season, pheasants, rabbits and foxes and for charging such fees therefor as he authorizes, and the Minister may fix the minimum number of such licences that the by-law shall provide for. Township licences to hunt pheasants, etc.

Where
township
licence
required

(2) Where a township has passed a by-law under subsection 1, no person shall hunt pheasants, rabbits or foxes in the township during the open season without a licence from the township. R.S.O. 1960, c. 158, s. 27.

Validity of
licence

(3) Where a township has passed a by-law under subsection 1, the Minister may in writing authorize the township to pass a further by-law to provide that a licence to hunt animals and birds not protected by this Act or the regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, during the period between the 1st day of March and the 31st day of August, is not valid in that township unless it is signed by the township clerk or by a person authorized by him. *New.*

R.S.C. 1952,
c. 179

GAME ANIMALS

Open
seasons

38.—(1) Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as are prescribed by the regulations, no person shall hunt black bear, polar bear, caribou, deer or moose. R.S.O. 1960, c. 158, s. 29; 1960-61, c. 32, s. 3, *amended.*

Multiplicity
of licences

(2) Except as prescribed by the regulations, no person shall be the holder of more than one licence to hunt caribou, deer or moose in any year. R.S.O. 1960, c. 158, s. 25 (7), *amended.*

Caribou,
deer and
moose that
may be
taken

39.—(1) Subject to subsections 2, 3 and 4, no person shall, during the open season, take or kill more than one caribou under a licence to hunt caribou, one deer under a licence to hunt deer, or one moose under a licence to hunt moose. R.S.O. 1960, c. 158, s. 31 (1), *amended.*

Exception,
party
hunting
caribou

(2) Where two or more persons who hold licences to hunt caribou are hunting as a party, any member of the party may take or kill the number of caribou that is equal to the number of such licences held by the members of the party, but in no case shall the total number of caribou taken or killed by the members of the party exceed the total number of such licences held by the members of the party. *New.*

Exception,
party
hunting
deer

(3) Where two or more persons who hold licences to hunt deer are hunting as a party, any member of the party may take or kill the number of deer that is equal to the number of such licences held by the members of the party, but in no case shall the total number of deer taken or killed by the members of the party exceed the total number of such licences held by the members of the party. R.S.O. 1960, c. 158, s. 31 (2).

(4) Where two or more persons who hold licences to hunt moose are hunting as a party, any member of the party may take or kill the number of moose that is equal to the number of such licences held by the members of the party, but in no case shall the total number of moose taken or killed by the members of the party exceed the total number of such licences held by the members of the party. 1960-61, c. 32, s. 4. Exception,
party
hunting
moose

40. No person shall take or kill a black bear, polar bear, caribou, deer or moose by means of a trap, net, baited line or other similar contrivance or set any of them for any such animal. R.S.O. 1960, c. 158, s. 33 (8); 1960-61, c. 32, s. 5, *amended*. Traps, nets,
snakes, etc.,
prohibited

41. No person shall hunt a caribou, deer or moose while it is swimming. R.S.O. 1960, c. 158, s. 30 (5), cl. (b), *amended*. Swimming
caribou,
deer or
moose

42. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as the Minister prescribes, no person shall hunt or trap or attempt to trap any rabbit or any black, grey or fox squirrel. R.S.O. 1960, c. 158, s. 30 (4), *part, amended*. Hunting,
trapping,
etc.

43.—(1) Except under the authority of a licence and subject to the regulations, no person shall sell a game animal or possess a game animal for sale. R.S.O. 1960, c. 158, s. 45, *amended*. Licence
for sale
of a game
animal

(2) Subsection 1 does not apply to European hare or varying hare. *New*. Exception

44. Except with the written authority of the Minister, no person shall, during a closed season, take a game animal for educational or scientific purposes. R.S.O. 1960, c. 158, s. 18, *amended*. Taking
of game
animal for
scientific
purposes

45. Notwithstanding anything in this Act, any person may under the authority of a licence sell the meat of a bear if taken lawfully, and any person may without a licence possess or buy any bear meat for his own use. R.S.O. 1960, c. 158, s. 15, *part*. Dealing in
bear meat

GAME BIRDS

46. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as are prescribed by the regulations, no person shall hunt ruffed grouse, spruce grouse, Hungarian partridge, pheasant, sharp-tailed grouse, greater prairie-chicken, ptarmigan, bob-white quail or wild turkey. R.S.O. 1960, c. 158, s. 38 (1), *amended*. Grouse,
partridge,
etc.

Hunting
birds

47. No person shall hunt any game bird during the closed season or any other bird at any time, except crows, cow-birds, blackbirds, starlings and house-sparrows. R.S.O. 1960, c. 158, s. 40, *amended*.

Traps and
snares
prohibited

48. No person shall use, set or maintain a net, trap, spring, cage or other similar contrivance for the purpose of taking or killing any game bird. R.S.O. 1960, c. 158, s. 41, *amended*.

Use of rifle
to hunt
pheasant
prohibited

49. No person shall hunt pheasant with a rifle. R.S.O. 1960, c. 158, s. 63.

Licence for
propagation,
etc., of
game birds

50. Except under the authority of a licence and subject to the regulations, no person shall propagate or sell a game bird or possess a game bird for propagation or sale. R.S.O. 1960, c. 158, s. 17 (1), *amended*.

Game bird
hunting
preserves

51. Except under the authority of a licence and subject to the regulations, no person shall own or operate a game bird hunting preserve. R.S.O. 1960, c. 158, s. 39, *amended*.

Eggs and
nests
protected

52. No person shall take, destroy or possess the eggs or nests of any game bird, except with the written authority of the Minister to take, destroy or possess the eggs or nests for educational or scientific purposes. R.S.O. 1960, c. 158, s. 43, *amended*.

FUR-BEARING ANIMALS

Hunting,
trapping,
etc.

53. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as the Minister prescribes, no person shall hunt or trap or attempt to trap a beaver, fisher, fox, lynx, marten, muskrat, otter or raccoon. R.S.O. 1960, c. 158, s. 30 (4), *part, amended*.

Licence to
trap

54.—(1) The Minister may, in a licence to hunt or trap fur-bearing animals,

(a) fix the number of each species of fur-bearing animal that may be taken thereunder; and

(b) designate the area in which fur-bearing animals may be taken thereunder by the holder of the licence.

Idem

(2) The Minister may limit the number of licences to hunt or trap fur-bearing animals in any area. R.S.O. 1960, c. 158, s. 10 (1, 2), *amended*.

(3) No non-resident shall be the holder of a licence to hunt or trap fur-bearing animals. R.S.O. 1960, c. 158, s. 25 (5), *amended*. ^{Non-residents}

(4) The holder of a licence to hunt or trap fur-bearing animals may sell any fur-bearing animal taken by him under the authority of the licence or the pelt of any such animal. ^{Authority to sell}

(5) Subject to sections 25 and 37, the holder of a licence to hunt or trap fur-bearing animals may, under the authority of that licence and without any other licence, hunt, in the area described in the licence during the open seasons between the 15th day of October and the 30th day of June in the year next following, any bird or animal, other than caribou, deer or moose. ^{Exceptions as to trappers}

(6) A farmer or any of his family residing with him upon his lands may without a licence hunt or trap thereon fur-bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer or moose, during the open seasons, and, subject to this Act, any farmer may without a licence sell the fur-bearing animals so hunted or trapped or the pelts thereof, but he shall keep such records and make such returns relating thereto as are prescribed by the regulations. R.S.O. 1960, c. 158, s. 7 (2-4), *amended*. ^{Exceptions as to farmers}

55. Where a person has taken or killed any fur-bearing animal in the closed season on his own lands in defence or preservation of his property, he shall within ten days thereof report the facts to the Department, and he shall not offer the pelt of such fur-bearing animal for sale or barter during the closed season except under a licence, and any fur dealer possessing such a pelt shall hold the licence and forward it to the Department when applying for a licence to ship it out of Ontario or to dress or tan it. R.S.O. 1960, c. 158, s. 36, *part, amended*. ^{Animals taken in preservation of property}

56. Except as prescribed by the regulations, no person shall during the closed season have in his possession or in that of his servant or agent, or in that of any other person on his behalf, any fur-bearing animal wherever killed, ^{Possession of fur-bearing animals in closed season}

- (a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx, marten, mink and otter that have been sealed or marked in accordance with this Act or to the pelts of mink raised on a fur farm; and

- (b) except that a pelt of an animal killed outside Ontario may be possessed during the closed season under a licence if applied for within forty-eight hours after the pelt is received. R.S.O. 1960, c. 158, s. 44, cls. (b, c), *amended*.

Licences: **57.**—(1) Except under the authority of a licence, no person shall,

fur tanner's (a) engage in or carry on, or be concerned in, the tanning, plucking or treating of pelts; or

fur dealer's (b) possess, engage in or carry on, or be concerned in, the trading, buying or selling of fur-bearing animals or pelts. R.S.O. 1960, c. 158, s. 12 (1), cls. (c, d), *amended*.

Trade only between licensed fur dealers (2) No holder of a licence under clause b of subsection 1 shall sell, trade or barter, or be concerned in the selling, trading or bartering, of pelts to or with any other person in Ontario except where that other person holds a licence under clause b of subsection 1. R.S.O. 1960, c. 158, s. 12 (2), *amended*.

Sealing and marking of skins and pelts **58.**—(1) The pelts of beaver, fisher, lynx, marten, mink and otter shall be sealed or marked by a duly authorized person before sale, and no person licensed under clause b of subsection 1 of section 57 shall have unsealed or unmarked beaver, fisher, lynx, marten, mink or otter pelts in his possession.

Exception (2) Subsection 1 does not apply to the pelts of mink raised on a fur farm.

Offence (3) No person shall present or permit to be presented for sealing or marking the pelt of a beaver, fisher, lynx, marten, mink or otter that was not taken by him under the authority of his licence to hunt or trap fur-bearing animals or under subsection 6 of section 54.

Idem (4) No person shall be party to having or attempting to have sealed or marked the pelt of a beaver, fisher, lynx, marten, mink or otter that was not taken under the authority of the licence that is presented with the pelt. R.S.O. 1960, c. 158, s. 30 (1-3), *amended*.

Licence for propagation of fur-bearing animal **59.** Except under the authority of a licence, no person shall propagate a fur-bearing animal or possess a fur-bearing animal for propagation. R.S.O. 1960, c. 158, s. 17 (1), *amended*.

60. Subject to section 2 and except under the authority ^{Dens of fur-bearing animals} of a licence to hunt or trap fur-bearing animals, no person shall molest, damage or destroy,

(a) a den or usual place of habitation of a fur-bearing animal, other than that of a fox or skunk; or

(b) a beaver dam. R.S.O. 1960, c. 158, s. 33 (7), *amended*.

61.—(1) No person shall take or ship or attempt to take ^{Royalties payable} or ship to a point outside Ontario any fur-bearing animal or its pelt without a licence and without paying the royalty prescribed by the regulations.

(2) No person shall send or have sent any fur-bearing ^{Idem} animal or its pelt to a tanner or taxidermist to be tanned, plucked or treated in any way without a licence and without paying the royalty prescribed by the regulations. R.S.O. 1960, c. 158, s. 28 (1), *amended*.

62. No person who has taken or killed a fur-bearing animal ^{Pelts not to be destroyed} shall allow the pelt to be destroyed or spoiled. R.S.O. 1960, c. 158, s. 58, *part*.

63. Notwithstanding anything in this Act, any person may ^{Dealing in muskrat, etc.} under the authority of a licence sell the meat of a beaver, muskrat or raccoon if taken lawfully, and any person may without a licence possess or buy any such meat for his own use. R.S.O. 1960, c. 158, s. 15, *part*.

FISH

64.—(1) No person shall sell, offer for sale, purchase or ^{No traffic in certain fish} barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, but, under the authority of a licence and subject to such terms and conditions as are prescribed by the regulations, a person may sell,

(a) small-mouthed black bass, large-mouthed black bass, speckled trout, brown trout, rainbow trout, Kamloops trout and Aurora trout for the purpose of stocking; and

(b) speckled trout, brown trout and rainbow trout for human consumption. 1960-61, c. 32, s. 8, *amended*.

(2) No person shall sell, offer for sale, purchase or barter, ^{Idem} or be concerned in the sale, purchase or barter, of yellow

pickerel (also known as pike-perch or doré), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a licence.

Idem (3) No person shall buy, sell or possess a fish or part of a fish taken from Ontario waters during the closed season for that fish. R.S.O. 1960, c. 158, s. 53 (2, 3), *amended*.

Fish nets, possession **65.**—(1) Except under the authority of a licence, no person shall possess a gill, hoop, pound, seine, trap or trawl net.

Idem (2) No person shall sell a gill, hoop, pound, seine, trap or trawl net to any person not the holder of a commercial fishing licence or a licence under subsection 1. R.S.O. 1960, c. 158, s. 21, *amended*.

Waters set apart **66.** No person shall take or attempt to take fish by any means from waters set apart for the conservation or propagation of fish, but the Minister may, in writing, authorize fish to be taken from such waters for scientific purposes. R.S.O. 1960, c. 158, s. 52 (1), *amended*.

Right to fish **67.** The ownership of the bed of a navigable water or of a lake or river does not include the exclusive right of fishing in the water that covers or flows over the bed unless that exclusive right is expressly granted by the Crown. R.S.O. 1960, c. 158, s. 56 (1), *amended*.

DOGS

Use of dogs in hunting deer, etc. **68.** Except under the authority of a licence issued for the dog, no person shall use or be accompanied by a dog while hunting caribou, deer or moose. R.S.O. 1960, c. 158, s. 34 (1), *amended*.

Dogs running at large, etc. **69.**—(1) No person owning, claiming to own or harbouring a dog shall allow it to run at large during the closed season for deer in a locality that deer usually inhabit or in which they are usually found, and a dog found running deer during the closed season for deer in such a locality may be killed on sight by an officer without incurring any liability or penalty therefor. R.S.O. 1960, c. 158, s. 34 (4, 5), *amended*.

Use of dogs in hunting deer prohibited in designated areas, etc. (2) No person shall use or be accompanied by a dog while hunting deer in a part of Ontario that is designated by the regulations, and a dog found running at large in such a designated part of Ontario may be killed on sight by an officer without incurring any liability or penalty therefor. R.S.O. 1960, c. 158, s. 34 (3), *amended*.

70. Except in a field trial approved in writing by the Minister, no person owning, claiming to own or harbouring a dog shall allow it to molest or follow upon the track of any game bird during the months of April, May, June and July in any year or disturb its nest at any time. R.S.O. 1960, c. 158, s. 42, *amended*. Restricted use of dogs

LIVE GAME AND WOLVES

71.—(1) Except under the authority of a licence issued on such terms and conditions as are prescribed by the regulations, no person shall keep live game or a wolf in captivity for more than fourteen days. *New*. Live game kept in captivity

(2) Live game or a wolf kept in captivity contrary to this section and any cage, pen, crate, shelter or other enclosure used in connection therewith shall be seized, and, upon conviction of the person in possession or control thereof, becomes the property of the Crown in right of Ontario and may be disposed of by the Minister. Seizure of animals, cages, etc.

(3) This section does not apply where live game or a wolf is kept in captivity in a public zoo or for scientific or educational purposes in a public institution. R.S.O. 1960, c. 158, s. 20 (5, 6), *amended*. Application of section

TRANSPORTATION AND EXPORT

72.—(1) No non-resident entitled to hunt under a licence shall export more game than the number he is authorized to possess by this Act or the regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act. R.S.O. 1960, c. 158, s. 50 (1), *amended*. Export of game by non-residents R.S.C. 1952, c. 179

(2) No person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport, fish or game caught, taken or killed in Ontario during the closed season. R.S.O. 1960, c. 158, s. 72 (1), cl. (d), *amended*. Transport of fish or game illegally taken

(3) The Minister may issue a permit not inconsistent with any law of Canada to export from Ontario or to transport in Ontario at any time any game, whether dead or alive, upon proof under oath satisfactory to him that the game has been lawfully taken. R.S.O. 1960, c. 158, s. 75, *amended*. Transport of game under permit

73. No person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport, a receptacle containing game or fish that is not plainly marked on the outside in such a manner as to give a description of the contents and the name and address of the consignee and of the consignor. R.S.O. 1960, c. 158, s. 73, *amended*. Receptacles to be marked

PROCEDURE

Offence

74. A contravention of this Act or the regulations or of the terms and conditions of a licence is an offence against this Act. R.S.O. 1960, c. 158, s. 78 (3), *amended*.

Description of offence

75. The description of an offence in the words of this Act or of the regulations, as the case may be, or in any words to the like effect, is sufficient, and an information may be for more than one offence, and more than one offence may be set out in one count. R.S.O. 1960, c. 158, s. 78 (4), *amended*.

Similar offence on the same day

76. Where in a prosecution under this Act it appears in evidence that more than one offence of the same kind was committed at the same time or on the same day, the court shall in one conviction impose all the penalties at the same time. R.S.O. 1960, c. 158, s. 78 (6).

Procedure
R.S.O. 1960,
c. 387

77. Except where otherwise provided, *The Summary Convictions Act* applies to all prosecutions under this Act. R.S.O. 1960, c. 158, s. 78 (9).

Money payment as security for appearance in court

R.S.C. 1952,
c. 179

78.—(1) The Minister may authorize any officer to collect a money payment as security for appearance in court from any person against whom the officer is about to lay an information for an offence against this Act or the regulations, the Ontario Fishery Regulations, the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act.

Disposition of money payments

(2) Where a money payment has been collected under subsection 1 and the person charged does not appear in court, he may be tried *in absentia* and, upon conviction, whether or not he has appeared in court, the money payment shall be applied to the payment of any fine imposed and the costs, and the balance, if any, shall be remitted to the person convicted, and, where no conviction is made, the money payment shall be remitted to the person who made it. *New*.

Disposition of forfeited property

79.—(1) All property forfeited to the Crown under this Act may be disposed of by the Minister, and, where the seizure has been made from a person unknown, perishable game or fish may be disposed of forthwith, and any other property seized may be disposed of by the Minister after the expiration of thirty days. R.S.O. 1960, c. 158, s. 81 (1), *part, amended*.

Relief from forfeiture

(2) Where the Minister is satisfied that the forfeiture of any property, other than game or fish, would work undue hardship or injustice, he may grant relief from forfeiture,

in whole or in part, and direct its return to the person from whom it was taken upon such terms and conditions as he deems proper. R.S.O. 1960, c. 158, s. 81 (3), *amended*.

80.—(1) Upon the conviction of any person of an offence against this Act or the Ontario Fishery Regulations, any licence, except a licence to hunt, other than a licence to hunt or trap fur-bearing animals, which is held by him and which is related to the offence, shall be deemed to be cancelled without further action or notice, but the Minister may revive the licence upon such terms and conditions as he deems proper. Cancellation and revival of licences after conviction

(2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act*, the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385 or 386 of the *Criminal Code* (Canada) as amended or re-enacted from time to time, committed while using or in possession of an air-gun or fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order. R.S.O. 1960, c. 158, s. 81 (5, 6), *amended*. Cancellation and prohibition against issue of licences R.S.O. 1960, c. 152; R.S.C. 1952, c. 179; 1953-54, c. 51 (Can.)

(3) Every person who fails to comply with an order made against him under subsection 2 is guilty of an offence against this Act. R.S.O. 1960, c. 158, s. 81 (7). Offence

81. In prosecutions under this Act in respect of,

Evidence

- (a) taking, killing, procuring or possessing game or fish, or any part thereof, the onus is upon the person charged to prove that the game or fish or part thereof was lawfully taken, killed, procured or possessed by him;
- (b) hunting or trapping, the possession of a gun, decoy or other implement for hunting or trapping in or near a place that game inhabits or where game is usually found is *prima facie* proof that the person in possession of it was hunting or trapping, as the case may be; or
- (c) making of returns by a licensee or an issuer of licences, the production of a return is *prima facie* proof of the making of such return and the contents thereof. R.S.O. 1960, c. 158, s. 79, *amended*.

General
penalty

82. Except where otherwise provided, every person who commits an offence against this Act is liable to a fine of not more than \$1,000. *New.*

REGULATIONS

Regulations
by Lt. Gov.
in Council

83. The Lieutenant Governor in Council may make regulations,

1. establishing classes for licences referred to in this Act or the regulations or the Ontario Fishery Regulations, governing the issue, form, renewal, transfer, refusal and cancellation of licences or any class of them, prescribing their duration, territorial limitations, terms and conditions and the fees payable therefor, and limiting the number of licences of any class that may be issued;
2. respecting the issue of licences to trap fur-bearing animals on Crown lands and dividing Ontario or any part thereof into trap-line areas and designating such areas by identifying numbers and initials;
3. providing for licensing persons to hunt in any provincial park in which hunting is permitted under paragraph 14 or on Crown lands in any part of Ontario designated under paragraph 15;
4. prescribing the terms and conditions upon which licences may be issued to persons under sixteen years of age;
5. declaring animals, other than those mentioned in paragraph 8 of section 1, to be fur-bearing animals;
6. governing the sale of or traffic in any game, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such game, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed;
7. authorizing and regulating the sale of game brought into Ontario and lawfully hunted or procured according to the law of the place in which it was hunted or procured;
8. prescribing the number of game animals, game birds or fur-bearing animals that may be possessed;

9. prescribing the open seasons during which and the terms and conditions upon which black bear, polar bear, caribou, deer or moose may be hunted;
10. prescribing the open seasons during which and the terms and conditions upon which ruffed grouse, spruce grouse, Hungarian partridge, pheasant, sharp-tailed grouse, greater prairie-chicken, ptarmigan, bob-white quail or wild turkey may be hunted;
11. designating any parts of Ontario in which no person shall use or be accompanied by a dog while hunting deer;
12. limiting the number of licences that may be issued to own or operate game bird hunting preserves, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of game on preserves, and regulating the spacing of preserves, the taking or killing of game on preserves and the use of preserves for hunting;
13. designating parts of Ontario as Crown game preserves and providing for licensing persons to possess guns in Crown game preserves;
14. prescribing the conditions under which animals or birds may be hunted in provincial parks or Crown game preserves, providing for and regulating the possession or use of traps, explosives, guns or sporting implements in provincial parks or Crown game preserves, and prohibiting the use of motor-boats for trolling in provincial parks;
15. designating Crown lands on which hunting may be regulated, limiting and regulating the number of hunters that may hunt at any time and the hours during which hunting may be carried on, and prescribing the fees that may be charged for the use of equipment and facilities supplied by the Department;
16. designating parts of Ontario as "hinterland areas" and prohibiting persons, other than residents of the areas, from entering and travelling about therein for the purpose of fishing or hunting;
17. prescribing the terms and conditions upon which aircraft may be used while hunting;

18. prescribing the terms and conditions upon which wolves may be hunted from an aircraft or vehicle;
19. prescribing the terms and conditions upon which a person may use a ferret for hunting game animals;
20. prescribing the terms and conditions upon which a person may use poison for taking or killing any animal;
21. regulating or prohibiting the use of snares;
22. regulating, restricting or prohibiting the possession or use of air-guns or fire-arms for the purpose of hunting;
23. providing for and establishing a programme to promote the safe handling of fire-arms by hunters;
24. governing the sale under clause *a* or *b* of subsection 1 of section 64 of small-mouthed black bass, large-mouthed black bass, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed;
25. prescribing the royalties payable in respect of fish or under section 61, and excepting any fish or fur-bearing animal therefrom;
26. permitting residents of any province extending a similar right to Ontario residents to be classed as Ontario residents for the purpose of any specified licence under this Act;
27. requiring any person to keep such records and make such reports and returns as are prescribed;
28. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 158, s. 82 (1); 1960-61, c. 32, s. 12, *amended*.

Regulations
by Minister

84. The Minister may make regulations,

1. prescribing the open seasons during which and the terms and conditions upon which beaver, fisher, fox,

lynx, marten, mink, muskrat, otter or raccoon may be hunted or trapped or the pelt of any of them may be possessed;

2. prescribing the open seasons during which and the terms and conditions upon which rabbits or black, grey or fox squirrels may be hunted or trapped;
3. setting apart waters for the conservation or propagation of fish;
4. regulating or prohibiting the placing of huts on ice for the purpose of fishing and regulating their use and requiring and regulating their removal. R.S.O. 1960, c. 158, s. 82 (2), *amended*.

85. Any regulation may be limited territorially or as to time or otherwise. R.S.O. 1960, c. 158, s. 82 (3). Regulations
may be
limited

86. *The Game and Fisheries Act* and *The Game and Fisheries Amendment Act, 1960-61* are repealed. R.S.O. 1960,
c. 158;
1960-61,
c. 32,
repealed

87. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

88. This Act may be cited as *The Game and Fish Act*, Short title 1961-62.

The Game and Fish Act, 1961-62

1st Reading

February 21st, 1962

2nd Reading

3rd Reading

MR. SPOONER

BILL 69

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

The Game and Fish Act, 1961-62

MR. SPOONER

(Reprinted as amended by the Committee on Game and Fish)

EXPLANATORY NOTE

This is a complete revision of the Act, which was last revised in 1946.

The purpose of the revision is to simplify the Act and to bring it into line with present administrative practices.

BILL 69

1961-62

The Game and Fish Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "closed season" means a period that is not an open season;
2. "deer" includes wapiti (commonly called elk);
3. "Department" means the Department of Lands and Forests;
4. "dog" means any of the species *Canis familiaris* Linnaeus;
5. "domestic animals and domestic birds" includes any non-native species kept in captivity, except pheasants, but does not include native species kept in captivity or non-native species present in the wild state;
6. "farmer" means a person whose chief occupation is farming and,
 - (a) who is living upon and tilling his own land, or land to the possession of which he is for the time being entitled, or
 - (b) who is a *bona fide* settler engaged in clearing land for the purpose of bringing it to a state of cultivation;
7. "ferret" means any of the domesticated forms of the old world polecat (*Putorius putorius*) used for hunting;

8. "fur-bearing animal" means a beaver, fisher, fox, lynx, marten, mink, muskrat, otter, raccoon, skunk, red squirrel, weasel, wolverine or any other animal that the Lieutenant Governor in Council declares to be a fur-bearing animal, and includes any part of such animal;
9. "game" means a game animal, game bird or fur-bearing animal and includes any part of such animal;
10. "game animal" means any animal, except a fur-bearing animal, protected by this Act, and includes any part of such animal;
11. "game bird" means any bird protected by this Act or the *Migratory Birds Convention Act* (Canada), and includes any part of such bird;
12. "game bird hunting preserve" means any area in which pheasants or other game birds propagated under a licence are released for hunting purposes;
13. "holder of a licence" means the person named in the licence;
14. "hunting" includes chasing, pursuing, following after or on the trail of, searching for, shooting, shooting at, stalking or lying in wait for, worrying, molesting, taking or destroying any animal or bird, whether or not the animal or bird be then or subsequently captured, injured or killed, and "hunt" and "hunter" have corresponding meanings;
15. "licence" means an instrument issued under this Act conferring upon the holder the privilege of doing the things set forth in it, subject to the conditions, limitations and restrictions contained in it and in this Act and in the regulations, but no licence is or shall operate as a lease;
16. "Minister" means the Minister of Lands and Forests;
17. "non-resident" means a person who has not actually resided in Ontario for a period of at least seven months during the twelve months immediately preceding the time that his residence becomes material under this Act;

18. "officer" means a Conservation Officer or a Deputy Conservation Officer and includes a member of the Royal Canadian Mounted Police Force or the Ontario Provincial Police Force or any other person authorized to enforce this Act;
19. "Ontario Fishery Regulations" means the Ontario Fishery Regulations made under the *Fisheries Act* ^{R.S.C. 1952, c. 119} (Canada);
20. "open season" means a specified period during which specified game or fish may be taken;
21. "owner", with reference to land, includes any person who is the owner of an interest in land entitling him to the possession of it, but does not include the holder of a timber licence;
22. "pelt" means the untanned skin of a fur-bearing animal;
23. "pheasant" means any of the species *Phasianus colchicus* Linnaeus;
24. "rabbit" includes cottontail rabbit, varying hare and European hare;
25. "regulations" means the regulations made under this Act;
26. "resident" means a person who has actually resided in Ontario for a period of at least seven months during the twelve months immediately preceding the time that his residence becomes material under this Act;
27. "snare" means a device for the taking of animals whereby they are caught in a noose, and "snaring" has a corresponding meaning;
28. "trap" means a spring trap, gin, deadfall, snare, box or net used to capture game, and "trapping" has a corresponding meaning;
29. "vehicle" means a vehicle that is drawn, propelled or driven by any kind of power, including muscular power, and includes the rolling stock of a railway;
30. "vessel" means a boat or ship, and includes a skiff, canoe, punt and raft. R.S.O. 1960, c. 158, s. 1, amended.

APPLICATION

Application
of Act**2.** This Act does not apply,

- (a) to domestic animals and domestic birds, except dogs;
- (b) to a person taking or destroying a hawk, kingfisher or owl or any animal, other than a caribou, deer or moose, on his own lands in defence or preservation of his property by any means at any time; or
- (c) to a person destroying a beaver dam in defence or preservation of his property. R.S.O. 1960, c. 158, ss. 2, 36, *part, amended*.

ADMINISTRATION

Purpose of
the Act

3. The purpose of this Act is to provide for the management, perpetuation and rehabilitation of the wildlife resources in Ontario, and to establish and maintain a maximum wild-life population consistent with all other proper uses of lands and waters. *New*.

Administra-
tion of Act

4. The administration of this Act is under the control and direction of the Minister. R.S.O. 1960, c. 158, s. 3, *amended*.

Revenue

5. Except as otherwise provided by this Act, all rentals, licence fees, fines, penalties, proceeds of the sale of game and fish and of all property forfeited, and other receipts, fees and revenues under this Act or the regulations, or under any licence or instrument authorized by or under this Act, shall be paid to the Treasurer of Ontario. R.S.O. 1960, c. 158, s. 77, *amended*.

Power to
acquire
lands under
R.S.O. 1960,
c. 338

6.—(1) Land may be acquired under *The Public Works Act* for the purposes of management, perpetuation and rehabilitation of the wildlife resources in Ontario.

Idem

(2) The Minister on behalf of Her Majesty in right of Ontario may receive and take from any person by grant, gift, devise, bequest or otherwise any property, real or personal, or any interest therein for the purposes mentioned in subsection 1. 1960-61, c. 32, s. 1, *amended*.

Appoint-
ment of
conserva-
tion officers

7.—(1) The Minister may appoint conservation officers for carrying out this Act and the regulations. *New*.

Deputy con-
servation
officers

(2) The Minister may appoint deputy conservation officers in and for any part of Ontario to serve without remuneration.

(3) Every appointment under subsection 2 shall be for the period stated in the appointment. R.S.O. 1960, c. 158, s. 4, ^{Termination of appointments} amended.

8.—(1) An officer may, without a search warrant,

^{Search of vehicles, vessels, etc.}

- (a) stop, enter and search any aircraft, vehicle or vessel;
- (b) enter and search any fishing, hunting, mining, lumber or construction camp, or any office of any common carrier, or any premises where pelts are bought or sold; and
- (c) open and inspect any trunk, box, bag, parcel or receptacle,

if he has reasonable grounds to believe that any of them contains any game or fish killed, taken, shipped or had in possession in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act. ^{R.S.C. 1952, c. 179}

(2) An officer who has reasonable grounds to believe that it is necessary to enter any building which by this Act he is not authorized to enter without a search warrant shall make a deposition before a justice of the peace, and, where the justice is satisfied that there is reasonable ground for believing that there is in the building, ^{Search warrant}

- (a) anything upon or in respect of which an offence against this Act or the regulations has been or is suspected to have been committed; or
- (b) anything which there is reasonable ground to believe will afford evidence as to the commission of any such offence,

he may at any time issue a search warrant.

(3) An officer may use as much force as is necessary for him to exercise the powers conferred upon him by subsection 1 or in the execution of a search warrant issued under subsection 2. R.S.O. 1960, c. 158, s. 6 (1, 2), ^{Use of force} amended.

9. An officer on view may arrest without process any person found committing a contravention of this Act or of the regulations, in which case he shall bring him with reasonable diligence before a competent court to be dealt with according to law. R.S.O. 1960, c. 158, s. 6 (3). ^{Arrest on view}

Entry upon
private
property

10. An officer in the discharge of his duties and any person by him accompanied or authorized for the purpose may enter upon and pass through or over private lands without being liable for trespass. R.S.O. 1960, c. 158, s. 6 (4), *amended*.

Authority
to prosecute

11. An officer shall investigate all contraventions of this Act and the regulations brought to his notice and may prosecute any person who he has reasonable cause to believe is guilty of an offence against this Act. R.S.O. 1960, c. 158, s. 6 (6), *amended*.

Obstructing
officers

12. No person shall obstruct, hinder or delay or interfere with an officer in the discharge of his duty by violence or threats or by giving false information, or in any other manner. R.S.O. 1960, c. 158, s. 6 (8).

Authority
to stop
vehicles,
vessels

13. An officer may stop a vehicle or vessel for the purpose of,

(a) determining whether the occupants of the vehicle or vessel have been hunting or fishing; or

(b) obtaining information as to the number and species of game or fish taken. *New*.

Power of
inspection of
documents
by officers

14. No person shall refuse to allow an officer to examine any book, invoice or document containing any entry or memorandum relating to game or fish that the officer suspects of being taken or possessed in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, and he shall afford every reasonable facility for the examination, and, upon refusal, the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct the examination and remove any such book, invoice or document to safe-keeping. R.S.O. 1960, c. 158, s. 70, *part, amended*.

R.S.C. 1952,
c. 179

Seizure of
game and
other
property

15.—(1) Any game or fish suspected of having been taken or possessed and any thing, except an aircraft, vehicle or vessel, suspected of having been used in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, shall be seized.

Seizure of
aircraft, etc.

(2) An aircraft, vehicle or vessel,

(a) suspected of having been used; or

- (b) used in transporting game or fish suspected of having been taken or possessed,

in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* R.S.C. 1952, c. 179 (Canada) or the regulations made under that Act may be seized.

(3) Upon conviction, any property seized under this section is forfeited to the Crown in right of Ontario as represented by the Minister. Forfeiture of property seized R.S.O. 1960, c. 158, s. 81 (1), *amended*.

GENERAL PROVISIONS

16. No person shall for hire, gain or reward, or hope thereof, hunt game, or employ, hire or for valuable consideration, induce any other person to hunt game. Hunting for hire prohibited R.S.O. 1960, c. 158, s. 48.

17.—(1) No person shall hunt or fish or with any gun or sporting implement, fishing rod or tackle in his possession go upon any enclosed or unenclosed land or water after he has had oral or written notice not to hunt or fish thereon by the owner or by a person authorized by the owner to give such notice. Entry after notice

(2) No person shall,

(a) without authority give or cause to be given the notice mentioned in subsection 1; or Wrongful erection or destruction of notices

(b) tear down, remove, deface, damage or interfere with any notice put up, posted or placed pursuant to subsection 1. R.S.O. 1960, c. 158, s. 66 (2, 3), *amended*.

(3) No person shall, for the purpose of hunting or fishing, enter into or allow a dog to enter into growing or standing grain or any other crop, whether of one kind or not, without the permission of the owner or a person authorized by the owner to give such permission. Growing crops

(4) No person in a party of more than twelve persons shall hunt or with any gun or sporting implement enter upon any enclosed or unenclosed land in a county without the permission of the owner or a person authorized by the owner to give such permission. Hunting in parties exceeding twelve

(5) No person shall without authority enter or attempt to enter upon lands owned by the Crown that are used for the purpose of propagating or retaining game or fish. Entry on Crown lands used for propagating or retaining game or fish

Destruction
of notices
or signs

(6) No person shall tear down, remove, damage, deface or interfere with any notice or sign of the Department put up, posted or placed for the purposes of this Act. R.S.O. 1960, c. 158, s. 65 (1-4), *amended*.

Common
law remedy
for trespass

(7) Nothing in this section limits or in any way affects the remedy at common law of an owner for trespass. R.S.O. 1960, c. 158, s. 65 (5).

Right of
apprehension

(8) Every person found contravening any provision of this section may be apprehended without warrant by a constable or by the owner of the land on which the contravention takes place, or by the servant of or by any person authorized by such owner, and be taken forthwith to a justice of the peace to be dealt with according to law. R.S.O. 1960, c. 158, s. 66 (5); 1960-61, c. 32, s. 10, *amended*.

Offence of
hunting
carelessly

18. Every person is guilty of the offence of hunting carelessly who, being in possession of an air-gun or fire-arm for the purpose of hunting, discharges or causes to be discharged or handles such air-gun or fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. 1960-61, c. 32, s. 11, *amended*.

Use of
aircraft

19. Except as provided in the regulations, no person shall use an aircraft while hunting. R.S.O. 1960, c. 158, s. 59, *amended*.

Fire-arms
in game
areas

20.—(1) No person, while engaged in hunting or trapping game or while going to or returning from a hunting camp or locality that game inhabits or where game is usually found, shall,

(a) have a loaded air-gun or fire-arm in or on, or discharge the same from, an aircraft or a vehicle; or

(b) discharge an air-gun or fire-arm from or across the travelled portion of a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles. R.S.O. 1960, c. 158, s. 60 (1), *amended*.

Fire-arms
in power-
boats
R.S.C. 1952,
c. 179

(2) Except as otherwise provided in the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, no person shall have a loaded air-gun or fire-arm in or on or discharge the same from a power-boat. R.S.O. 1960, c. 158, s. 60 (2).

(3) A fire-arm having an unfired shell or cartridge in the chamber or in a magazine attached to the fire-arm shall be deemed to be loaded within the meaning of this section. ^{Interpretation}
R.S.O. 1960, c. 158, s. 60 (3), *amended*.

21. Notwithstanding section 19 and clause *a* of subsection 1 of section 20, wolves may be hunted from an aircraft or a vehicle under the authority of a licence issued by the Minister and subject to such terms and conditions as are prescribed by the regulations. ^{Hunting wolves}
R.S.O. 1960, c. 158, s. 61, *amended*.

22. In a locality that game usually inhabits or in which game is usually found, no person shall have an air-gun or fire-arm in his possession for the purpose of hunting unless it is unloaded and encased between one-half hour after sunset and one-half hour before sunrise of any day. ^{Prohibition as to guns}
R.S.O. 1960, c. 158, s. 47, cl. (a), *amended*.

23. Notwithstanding section 22, the holder of a licence to hunt raccoon may possess or use a fire-arm for the purpose of hunting raccoon during the open season therefor when accompanied by a dog licensed therefor. ^{Exception, raccoon hunting}
R.S.O. 1960, c. 158, s. 47, cl. (d), *amended*.

24. No person shall hunt any animal or bird with a repeating, automatic or auto-loading shot-gun that has not been permanently plugged or altered so that it is incapable of holding a total of more than three shells at one time in the chamber and magazine. ^{Automatic shot-guns}
R.S.O. 1960, c. 158, s. 62.

25.—(1) Except as provided in the regulations, no person shall hunt, trap or possess, or attempt to trap, any animal or bird in a provincial park or in a Crown game preserve. ^{Hunting, etc., in provincial parks}

(2) Except as provided in the regulations, no person shall possess in a provincial park or in a Crown game preserve any trap, explosive, gun or sporting implement. ^{Weapons in provincial parks}
R.S.O. 1960, c. 158, s. 11, *amended*.

26. Except as provided in the regulations, no person shall take or kill or attempt to take or kill any animal by means of poison. ^{Poison prohibited}
R.S.O. 1960, c. 158, s. 46, *amended*.

27. Except as provided in the regulations, no person shall use a ferret in hunting game animals. ^{Ferrets}
R.S.O. 1960, c. 158, s. 33 (10), *amended*.

28. No person who has taken or killed an animal, bird or fish suitable for food shall allow the flesh to be destroyed or spoiled. ^{Flesh not to be wasted}
R.S.O. 1960, c. 158, s. 58, *part*.

Release of
imported
stock

29. Without the written authority of the Minister, no person shall release into natural cover any animal or bird imported into Ontario or propagated from stock imported into Ontario. R.S.O. 1960, c. 158, s. 49 (2).

Importation
of game

30. Nothing in this Act prevents the bringing of game into Ontario from a place outside Ontario or the possession in Ontario of game taken outside Ontario if the game was legally taken. R.S.O. 1960, c. 158, s. 49 (1), *amended*.

Hotels,
restaurants,
etc.

31. Except with the written authority of the Minister, no hotel, restaurant, boarding-house or other commercial premises shall mention on a bill of fare or serve any game, other than game that has been propagated or sold under a licence. R.S.O. 1960, c. 158, ss. 13, 45, *amended*.

Offence to
make false
statement

32. Any person who knowingly makes any false statement in any application, statement under oath, report or return required by this Act or the regulations is, in addition to any other penalty for which he may be liable, guilty of an offence against this Act. R.S.O. 1960, c. 158, s. 25 (9), *amended*.

LICENCES

Licences

33. Except under the authority of a licence, no person shall hunt or trap or attempt to trap animals or birds. R.S.O. 1960, c. 158, s. 7 (1), *amended*.

Contraven-
tion of
terms, etc.

34.—(1) No person shall contravene the terms or conditions of his licence. *New*.

Transfer of
licence,
coupon or
seal

(2) Except as prescribed by the regulations, no licence shall be transferred and no person shall buy, sell, exchange or in any way be a party to the transfer of a licence, shipping coupon or seal, or in any way use or attempt to use a licence, shipping coupon or seal issued to any other person.

Issue of
licence dis-
cretionary

(3) The issue of a licence is in the discretion of the Minister. R.S.O. 1960, c. 158, s. 25 (1, 3), *amended*.

Refund of
fees

(4) The Minister may direct the refund of the whole or any part of the fee paid for any licence where, owing to the licence not having been used, or having been used for part only of the period for which it was issued, he deems it just, and the Treasurer of Ontario, upon the written request of the Minister, shall cause the refund to be made to the holder of the licence. R.S.O. 1960, c. 158, s. 76, *amended*.

Cancellation
of licence
in event
of error

(5) The Minister may cancel any licence where an error has been made from any cause when issuing it, and the holder

has no claim for indemnity or compensation with respect to it other than the adjustment or refund of any fee collected. R.S.O. 1960, c. 158, s. 67 (2), *amended*.

(6) Except as provided in the regulations, no holder of a ^{Licence to be carried} licence shall hunt game unless at that time he has the licence on his person. R.S.O. 1960, c. 158, s. 25 (6), *part, amended*.

(7) The holder of a licence shall produce and show it to ^{Production of licence on demand} any officer whenever requested by the officer. R.S.O. 1960, c. 158, s. 25 (4), *amended*.

(8) The holder of a licence shall wear in a conspicuous ^{Wearing of badge} place on his person any badge that is furnished to him by the Department at the time of the issue of the licence, and the licence with which a badge is furnished at the time of issue is not valid unless the holder is wearing the badge in the manner required by this subsection. R.S.O. 1960, c. 158, s. 25 (6), *part, amended*.

(9) The holder of a licence obtained by any false or mis- ^{Licence obtained by misrepresentation} leading statement made in respect of any information required for the issue of the licence shall be deemed to be the holder of a void licence and the holder may be prosecuted under this Act in the same manner and with the same effect as he could be prosecuted if he were not the holder of a licence. R.S.O. 1960, c. 158, s. 25 (8), *amended*.

35. Except as prescribed by the regulations, no licence ^{Minors} shall be issued to any person under the age of sixteen years. R.S.O. 1960, c. 158, s. 9.

36.—(1) No person shall issue any licence or collect any ^{Issuers of licences} fee in respect thereof unless authorized by the Minister.

(2) No issuer of licences shall issue and no person shall ^{Licences not to be issued in blank} possess a hunting licence that does not exhibit the name of the holder or that is antedated or undated. R.S.O. 1960, c. 158, s. 26, *amended*.

(3) Every issuer of licences shall keep such records and ^{Failure to make returns} make such returns relating thereto as are prescribed by the regulations. *New*.

37.—(1) The Minister may in writing authorize any municipality ^{Municipal licences to hunt pheasants, etc.} to pass by-laws for issuing and fixing the maximum number of licences to hunt, during the open season, pheasants, rabbits and foxes and for charging such fees therefor as he authorizes, and the Minister may fix the minimum number of such licences that the by-law shall provide for.

Where
municipal
licence
required

(2) Where a municipality has passed a by-law under subsection 1, no person shall hunt pheasants, rabbits or foxes in the municipality during the open season without a licence from the municipality. R.S.O. 1960, c. 158, s. 27, *amended*.

Validity of
licence

(3) Where a municipality has passed a by-law under subsection 1, the Minister may in writing authorize the municipality to pass a further by-law to provide that a licence to hunt animals and birds not protected by this Act or the regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, during the period between the 1st day of March and the 31st day of August, is not valid in that municipality unless it is signed by the clerk of the municipality or by a person authorized by him. *New*.

R.S.C. 1952,
c. 179

GAME ANIMALS

Open
seasons

38.—(1) Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as are prescribed by the regulations, no person shall hunt black bear, polar bear, caribou, deer or moose. R.S.O. 1960, c. 158, s. 29; 1960-61, c. 32, s. 3, *amended*.

Multiplicity
of licences

(2) Except as prescribed by the regulations, no person shall be the holder of more than one licence to hunt caribou, deer or moose in any year. R.S.O. 1960, c. 158, s. 25 (7), *amended*.

Caribou,
deer and
moose that
may be
taken

39.—(1) Subject to subsections 2, 3 and 4, no person shall, during the open season, take or kill more than one caribou under a licence to hunt caribou, one deer under a licence to hunt deer, or one moose under a licence to hunt moose. R.S.O. 1960, c. 158, s. 31 (1), *amended*.

Exception,
party
hunting
caribou

(2) Where two or more persons who hold licences to hunt caribou are hunting as a party, any member of the party may take or kill the number of caribou that is equal to the number of such licences held by the members of the party, but in no case shall the total number of caribou taken or killed by the members of the party exceed the total number of such licences held by the members of the party. *New*.

Exception,
party
hunting
deer

(3) Where two or more persons who hold licences to hunt deer are hunting as a party, any member of the party may take or kill the number of deer that is equal to the number of such licences held by the members of the party, but in no case shall the total number of deer taken or killed by the members of the party exceed the total number of such licences held by the members of the party. R.S.O. 1960, c. 158, s. 31 (2).

(4) Where two or more persons who hold licences to hunt moose are hunting as a party, any member of the party may take or kill the number of moose that is equal to the number of such licences held by the members of the party, but in no case shall the total number of moose taken or killed by the members of the party exceed the total number of such licences held by the members of the party. 1960-61, c. 32, s. 4. Exception,
party
hunting
moose

40. No person shall take or kill a black bear, polar bear, caribou, deer or moose by means of a trap, net, baited line or other similar contrivance or set any of them for any such animal. R.S.O. 1960, c. 158, s. 33 (8); 1960-61, c. 32, s. 5, *amended*. Traps, nets,
snakes, etc.,
prohibited

41. No person shall hunt a caribou, deer or moose while it is swimming. R.S.O. 1960, c. 158, s. 30 (5), cl. (b), *amended*. Swimming
caribou,
deer or
moose

42. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as the Minister prescribes, no person shall hunt or trap or attempt to trap any rabbit or any black, grey or fox squirrel. R.S.O. 1960, c. 158, s. 30 (4), *part, amended*. Hunting,
trapping,
etc.

43.—(1) Except under the authority of a licence and subject to the regulations, no person shall sell a game animal or possess a game animal for sale. R.S.O. 1960, c. 158, s. 45, *amended*. Licence
for sale
of a game
animal

(2) Subsection 1 does not apply to European hare or varying hare. *New*. Exception

44. Except with the written authority of the Minister, no person shall, during a closed season, take a game animal for educational or scientific purposes. R.S.O. 1960, c. 158, s. 18, *amended*. Taking
of game
animal for
scientific
purposes

45. Notwithstanding anything in this Act, any person may under the authority of a licence sell the meat of a bear if taken lawfully, and any person may without a licence possess or buy any bear meat for his own use. R.S.O. 1960, c. 158, s. 15, *part*. Dealing in
bear meat

GAME BIRDS

46. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as are prescribed by the regulations, no person shall hunt ruffed grouse, spruce grouse, Hungarian partridge, pheasant, sharp-tailed grouse, greater prairie-chicken, ptarmigan, bob-white quail or wild turkey. R.S.O. 1960, c. 158, s. 38 (1), *amended*. Grouse,
partridge,
etc.

Hunting
birds

47. No person shall hunt any game bird during the closed season or any other bird at any time, except crows, cowbirds, blackbirds, starlings and house-sparrows. R.S.O. 1960, c. 158, s. 40, *amended*.

Traps and
snares
prohibited

48. No person shall use, set or maintain a net, trap, spring, cage or other similar contrivance for the purpose of taking or killing any game bird. R.S.O. 1960, c. 158, s. 41, *amended*.

Use of rifle
to hunt
pheasant
prohibited

49. No person shall hunt pheasant with a rifle. R.S.O. 1960, c. 158, s. 63.

Licence for
propagation,
etc., of
game birds

50. Except under the authority of a licence and subject to the regulations, no person shall propagate or sell a game bird or possess a game bird for propagation or sale. R.S.O. 1960, c. 158, s. 17 (1), *amended*.

Game bird
hunting
preserves

51. Except under the authority of a licence and subject to the regulations, no person shall own or operate a game bird hunting preserve. R.S.O. 1960, c. 158, s. 39, *amended*.

Eggs and
nests
protected

52. No person shall take, destroy or possess the eggs or nests of any game bird, except with the written authority of the Minister to take, destroy or possess the eggs or nests for educational or scientific purposes. R.S.O. 1960, c. 158, s. 43, *amended*.

FUR-BEARING ANIMALS

Hunting,
trapping,
etc.

53. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as the Minister prescribes, no person shall hunt or trap or attempt to trap any fur-bearing animal. R.S.O. 1960, c. 158, s. 30 (4), *part, amended*.

Licence to
trap

54.—(1) The Minister may, in a licence to hunt or trap fur-bearing animals,

- (a) fix the number of each species of fur-bearing animal that may be taken thereunder; and
- (b) designate the area in which fur-bearing animals may be taken thereunder by the holder of the licence.

Idem

(2) The Minister may limit the number of licences to hunt or trap fur-bearing animals in any area. R.S.O. 1960, c. 158, s. 10 (1, 2), *amended*.

(3) No non-resident shall be the holder of a licence to hunt or trap fur-bearing animals. R.S.O. 1960, c. 158, s. 25 (5), *amended.* ^{Non-residents}

(4) The holder of a licence to hunt or trap fur-bearing animals may sell any fur-bearing animal taken by him under the authority of the licence or the pelt of any such animal. ^{Authority to sell}

(5) Subject to sections 25 and 37, the holder of a licence to hunt or trap fur-bearing animals may, under the authority of that licence and without any other licence, hunt, in the area described in the licence during the open seasons between the 15th day of October and the 30th day of June in the year next following, any bird or animal, other than caribou, deer or moose. ^{Exceptions as to trappers}

(6) A farmer or any of his family residing with him upon his lands may without a licence hunt or trap thereon fur-bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer or moose, during the open seasons, and, subject to this Act, any farmer may without a licence sell the fur-bearing animals so hunted or trapped or the pelts thereof, but he shall keep such records and make such returns relating thereto as are prescribed by the regulations. R.S.O. 1960, c. 158, s. 7 (2-4), *amended.* ^{Exceptions as to farmers}

55. Where a person has taken or killed any fur-bearing animal in the closed season on his own lands in defence or preservation of his property, he shall within ten days thereof report the facts to the Department, and he shall not offer the pelt of such fur-bearing animal for sale or barter during the closed season except under a licence, and any fur dealer possessing such a pelt shall hold the licence and forward it to the Department when applying for a licence to ship it out of Ontario or to dress or tan it. R.S.O. 1960, c. 158, s. 36, *part, amended.* ^{Animals taken in preservation of property}

56. Except as prescribed by the regulations, no person shall during the closed season have in his possession or in that of his servant or agent, or in that of any other person on his behalf, any fur-bearing animal wherever killed, ^{Possession of fur-bearing animals in closed season}

- (a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx, marten, mink and otter that have been sealed or marked in accordance with this Act or to the pelts of mink raised on a fur farm; and

- (b) except that a pelt of an animal killed outside Ontario may be possessed during the closed season under a licence if applied for within forty-eight hours after the pelt is received. R.S.O. 1960, c. 158, s. 44, cls. (b, c), *amended*.

Licences: **57.**—(1) Except under the authority of a licence, no person shall,

fur tanner's (a) engage in or carry on, or be concerned in, the tanning, plucking or treating of pelts; or

fur dealer's (b) possess, engage in or carry on, or be concerned in, the trading, buying or selling of fur-bearing animals or pelts. R.S.O. 1960, c. 158, s. 12 (1), cls. (c, d), *amended*.

Trade only between licensed fur dealers (2) No holder of a licence under clause b of subsection 1 shall sell, trade or barter, or be concerned in the selling, trading or bartering, of pelts to or with any other person in Ontario except where that other person holds a licence under clause b of subsection 1. R.S.O. 1960, c. 158, s. 12 (2), *amended*.

Sealing and marking of skins and pelts **58.**—(1) The pelts of beaver, fisher, lynx, marten, mink and otter shall be sealed or marked by a duly authorized person before sale, and no person licensed under clause b of subsection 1 of section 57 shall have unsealed or unmarked beaver, fisher, lynx, marten, mink or otter pelts in his possession.

Exception (2) Subsection 1 does not apply to the pelts of mink raised on a fur farm.

Offence (3) No person shall present or permit to be presented for sealing or marking the pelt of a beaver, fisher, lynx, marten, mink or otter that was not taken by him under the authority of his licence to hunt or trap fur-bearing animals or under subsection 6 of section 54.

Idem (4) No person shall be party to having or attempting to have sealed or marked the pelt of a beaver, fisher, lynx, marten, mink or otter that was not taken under the authority of the licence that is presented with the pelt. R.S.O. 1960, c. 158, s. 30 (1-3), *amended*.

Licence for propagation of fur-bearing animal **59.** Except under the authority of a licence, no person shall propagate a fur-bearing animal or possess a fur-bearing animal for propagation. R.S.O. 1960, c. 158, s. 17 (1), *amended*.

60. Subject to section 2 and except under the authority ^{Dens of fur-bearing animals} of a licence to hunt or trap fur-bearing animals, no person shall molest, damage or destroy,

(a) a den or usual place of habitation of a fur-bearing animal, other than that of a fox or skunk; or

(b) a beaver dam. R.S.O. 1960, c. 158, s. 33 (7), *amended*.

61.—(1) No person shall take or ship or attempt to take ^{Royalties payable} or ship to a point outside Ontario any fur-bearing animal or its pelt without a licence and without paying the royalty prescribed by the regulations.

(2) No person shall send or have sent any fur-bearing ^{Idem} animal or its pelt to a tanner or taxidermist to be tanned, plucked or treated in any way without a licence and without paying the royalty prescribed by the regulations. R.S.O. 1960, c. 158, s. 28 (1), *amended*.

62. No person who has taken or killed a fur-bearing animal ^{Pelts not to be destroyed} shall allow the pelt to be destroyed or spoiled. R.S.O. 1960, c. 158, s. 58, *part*.

63. Notwithstanding anything in this Act, any person may ^{Dealing in muskrat, etc.} under the authority of a licence sell the meat of a beaver, muskrat or raccoon if taken lawfully, and any person may without a licence possess or buy any such meat for his own use. R.S.O. 1960, c. 158, s. 15, *part*.

FISH

64.—(1) No person shall sell, offer for sale, purchase or ^{No traffic in certain fish} barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, but, under the authority of a licence and subject to such terms and conditions as are prescribed by the regulations, a person may sell,

(a) small-mouthed black bass, large-mouthed black bass, speckled trout, brown trout, rainbow trout, Kamloops trout and Aurora trout for the purpose of stocking; and

(b) speckled trout, brown trout and rainbow trout for human consumption. 1960-61, c. 32, s. 8, *amended*.

(2) No person shall sell, offer for sale, purchase or barter, ^{Idem} or be concerned in the sale, purchase or barter, of yellow

pickerel (also known as pike-perch, walleye or doré), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a licence.

Idem

(3) No person shall buy, sell or possess a fish or part of a fish taken from Ontario waters during the closed season for that fish. R.S.O. 1960, c. 158, s. 53 (2, 3), *amended*.

Fish nets,
possession

65.—(1) Except under the authority of a licence, no person shall possess a gill, hoop, pound, seine, trap or trawl net.

Idem

(2) No person shall sell a gill, hoop, pound, seine, trap or trawl net to any person not the holder of a commercial fishing licence or a licence under subsection 1. R.S.O. 1960, c. 158, s. 21, *amended*.

Waters set
apart

66. No person shall take or attempt to take fish by any means from waters set apart for the conservation or propagation of fish, but the Minister may, in writing, authorize fish to be taken from such waters for scientific purposes. R.S.O. 1960, c. 158, s. 52 (1), *amended*.

Right to
fish

67. The ownership of the bed of a navigable water or of a lake or river does not include the exclusive right of fishing in the water that covers or flows over the bed unless that exclusive right is expressly granted by the Crown. R.S.O. 1960, c. 158, s. 56 (1), *amended*.

DOGS

Use of
dogs in
hunting
deer, etc.

68. Except under the authority of a licence issued for the dog, no person shall use or be accompanied by a dog while hunting caribou, deer or moose. R.S.O. 1960, c. 158, s. 34 (1), *amended*.

Dogs
running at
large, etc.

69.—(1) No person owning, claiming to own or harbouring a dog shall allow it to run at large during the closed season for deer in a locality that deer usually inhabit or in which they are usually found, and a dog found running deer during the closed season for deer in such a locality may be killed on sight by an officer without incurring any liability or penalty therefor. R.S.O. 1960, c. 158, s. 34 (4, 5), *amended*.

Use of
dogs in
hunting deer
prohibited
in designated
areas, etc.

(2) No person shall use or be accompanied by a dog while hunting deer in a part of Ontario that is designated by the regulations, and a dog found running at large in such a designated part of Ontario may be killed on sight by an officer without incurring any liability or penalty therefor. R.S.O. 1960, c. 158, s. 34 (3), *amended*.

70. Except in a field trial approved in writing by the Minister, no person owning, claiming to own or harbouring a dog shall allow it to molest or follow upon the track of any game bird during the months of April, May, June and July in any year or disturb its nest at any time. R.S.O. 1960, c. 158, s. 42, *amended*. Restricted use of dogs

LIVE GAME AND WOLVES

71.—(1) Except under the authority of a licence issued on such terms and conditions as are prescribed by the regulations, no person shall keep live game or a wolf in captivity for more than fourteen days. *New*. Live game kept in captivity

(2) Live game or a wolf kept in captivity contrary to this section and any cage, pen, crate, shelter or other enclosure used in connection therewith shall be seized, and, upon conviction of the person in possession or control thereof, becomes the property of the Crown in right of Ontario and may be disposed of by the Minister. Seizure of animals, cages, etc.

(3) This section does not apply where live game or a wolf is kept in captivity in a public zoo or for scientific or educational purposes in a public institution. R.S.O. 1960, c. 158, s. 20 (5, 6), *amended*. Application of section

TRANSPORTATION AND EXPORT

72.—(1) No non-resident entitled to hunt under a licence shall export more game than the number he is authorized to possess by this Act or the regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act. R.S.O. 1960, c. 158, s. 50 (1), *amended*. Export of game by non-residents
R.S.C. 1952, c. 179

(2) No person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport, fish or game caught, taken or killed in Ontario during the closed season. R.S.O. 1960, c. 158, s. 72 (1), cl. (d), *amended*. Transport of fish or game illegally taken

(3) The Minister may issue a permit not inconsistent with any law of Canada to export from Ontario or to transport in Ontario at any time any game, whether dead or alive, upon proof under oath satisfactory to him that the game has been lawfully taken. R.S.O. 1960, c. 158, s. 75, *amended*. Transport of game under permit

73. No person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport, a receptacle containing game or fish that is not plainly marked on the outside in such a manner as to give a description of the contents and the name and address of the consignee and of the consignor. R.S.O. 1960, c. 158, s. 73, *amended*. Receptacles to be marked

PROCEDURE

Offence

74. A contravention of this Act or the regulations or of the terms and conditions of a licence is an offence against this Act. R.S.O. 1960, c. 158, s. 78 (3), *amended*.

Description of offence

75. The description of an offence in the words of this Act or of the regulations, as the case may be, or in any words to the like effect, is sufficient, and an information may be for more than one offence, and more than one offence may be set out in one count. R.S.O. 1960, c. 158, s. 78 (4), *amended*.

Similar offence on the same day

76. Where in a prosecution under this Act it appears in evidence that more than one offence of the same kind was committed at the same time or on the same day, the court shall in one conviction impose all the penalties at the same time. R.S.O. 1960, c. 158, s. 78 (6).

Procedure
R.S.O. 1960,
c. 387

77. Except where otherwise provided, *The Summary Convictions Act* applies to all prosecutions under this Act. R.S.O. 1960, c. 158, s. 78 (9).

Money payment as security for appearance in court

78.—(1) The Minister may authorize any officer to collect a money payment as security for appearance in court from any person against whom the officer is about to lay an information for an offence against this Act or the regulations, the Ontario Fishery Regulations, the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act.

R.S.C. 1952,
c. 179

Disposition of money payments

(2) Where a money payment has been collected under subsection 1 and the person charged does not appear in court, he may be tried *in absentia* and, upon conviction, whether or not he has appeared in court, the money payment shall be applied to the payment of any fine imposed and the costs, and the balance, if any, shall be remitted to the person convicted, and, where no conviction is made, the money payment shall be remitted to the person who made it. *New*.

Disposition of forfeited property

79.—(1) All property forfeited to the Crown under this Act may be disposed of by the Minister, and, where the seizure has been made from a person unknown, perishable game or fish may be disposed of forthwith, and any other property seized may be disposed of by the Minister after the expiration of thirty days. R.S.O. 1960, c. 158, s. 81 (1), *part, amended*.

Relief from forfeiture

(2) Where the Minister is satisfied that the forfeiture of any property, other than game or fish, would work undue hardship or injustice, he may grant relief from forfeiture,

in whole or in part, and direct its return to the person from whom it was taken upon such terms and conditions as he deems proper. R.S.O. 1960, c. 158, s. 81 (3), *amended*.

80.—(1) Upon the conviction of any person of an offence against this Act or the Ontario Fishery Regulations, any licence, except a licence to hunt, other than a licence to hunt or trap fur-bearing animals, which is held by him and which is related to the offence, shall be deemed to be cancelled without further action or notice, but the Minister may revive the licence upon such terms and conditions as he deems proper. Cancellation and revival of licences after conviction

(2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act*, the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385 or 386 of the *Criminal Code* (Canada) as amended or re-enacted from time to time, committed while using or in possession of an air-gun or fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order. R.S.O. 1960, c. 158, s. 81 (5, 6), *amended*. Cancellation and prohibition against issue of licences R.S.O. 1960, c. 152; R.S.C. 1952 c. 179; 1953-54, c. 51 (Can.)

(3) Every person who fails to comply with an order made against him under subsection 2 is guilty of an offence against this Act. R.S.O. 1960, c. 158, s. 81 (7). Offence

81. In prosecutions under this Act in respect of,

Evidence

- (a) taking, killing, procuring or possessing game or fish, or any part thereof, the onus is upon the person charged to prove that the game or fish or part thereof was lawfully taken, killed, procured or possessed by him;
- (b) hunting or trapping, the possession of a gun, decoy or other implement for hunting or trapping in or near a place that game inhabits or where game is usually found is *prima facie* proof that the person in possession of it was hunting or trapping, as the case may be; or
- (c) making of returns by a licensee or an issuer of licences, the production of a return is *prima facie* proof of the making of such return and the contents thereof. R.S.O. 1960, c. 158, s. 79, *amended*.

General
penalty

82. Except where otherwise provided, every person who commits an offence against this Act is liable to a fine of not more than \$1,000. *New.*

REGULATIONS

Regulations
by Lt. Gov.
in Council

83. The Lieutenant Governor in Council may make regulations,

1. establishing classes for licences referred to in this Act or the regulations or the Ontario Fishery Regulations, governing the issue, form, renewal, transfer, refusal and cancellation of licences or any class of them, prescribing their duration, territorial limitations, terms and conditions and the fees payable therefor, and limiting the number of licences of any class that may be issued;
2. respecting the issue of licences to trap fur-bearing animals on Crown lands and dividing Ontario or any part thereof into trap-line areas and designating such areas by identifying numbers and initials;
3. providing for licensing persons to hunt in any provincial park in which hunting is permitted under paragraph 14 or on Crown lands in any part of Ontario designated under paragraph 15;
4. prescribing the terms and conditions upon which licences may be issued to persons under sixteen years of age;
5. declaring animals, other than those mentioned in paragraph 8 of section 1, to be fur-bearing animals;
6. governing the sale of or traffic in any game, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such game, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed;
7. authorizing and regulating the sale of game brought into Ontario and lawfully hunted or procured according to the law of the place in which it was hunted or procured;
8. prescribing the number of game animals, game birds or fur-bearing animals that may be possessed;

9. prescribing the open seasons during which and the terms and conditions upon which black bear, polar bear, caribou, deer or moose may be hunted;
10. prescribing the open seasons during which and the terms and conditions upon which ruffed grouse, spruce grouse, Hungarian partridge, pheasant, sharp-tailed grouse, greater prairie-chicken, ptarmigan, bob-white quail or wild turkey may be hunted;
11. designating any parts of Ontario in which no person shall use or be accompanied by a dog while hunting deer;
12. limiting the number of licences that may be issued to own or operate game bird hunting preserves, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of game on preserves, and regulating the spacing of preserves, the taking or killing of game on preserves and the use of preserves for hunting;
13. designating parts of Ontario as Crown game preserves and providing for licensing persons to possess guns in Crown game preserves;
14. prescribing the conditions under which animals or birds may be hunted in provincial parks or Crown game preserves, providing for and regulating the possession or use of traps, explosives, guns or sporting implements in provincial parks or Crown game preserves, and prohibiting the use of motor-boats for trolling in provincial parks;
15. designating Crown lands on which hunting may be regulated, limiting and regulating the number of hunters that may hunt at any time and the hours during which hunting may be carried on, and prescribing the fees that may be charged for the use of equipment and facilities supplied by the Department;
16. designating parts of Ontario as "hinterland areas" and prohibiting persons, other than residents of the areas, from entering and travelling about therein for the purpose of fishing or hunting;
17. prescribing the terms and conditions upon which aircraft may be used while hunting;

18. prescribing the terms and conditions upon which wolves may be hunted from an aircraft or vehicle;
19. prescribing the terms and conditions upon which a person may use a ferret for hunting game animals;
20. prescribing the terms and conditions upon which a person may use poison for taking or killing any animal;
21. regulating or prohibiting the use of snares;
22. regulating, restricting or prohibiting the possession or use of air-guns or fire-arms for the purpose of hunting;
23. providing for and establishing a programme to promote the safe handling of fire-arms by hunters, providing for the appointment of examiners and for the examining of persons on the safe handling of fire-arms, and prescribing fees for examinations;
24. governing the sale under clause *a* or *b* of subsection 1 of section 64 of small-mouthed black bass, large-mouthed black bass, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed;
25. prescribing the royalties payable in respect of fish or under section 61, and excepting any fish or fur-bearing animal therefrom;
26. permitting residents of any province extending a similar right to Ontario residents to be classed as Ontario residents for the purpose of any specified licence under this Act;
27. requiring any person to keep such records and make such reports and returns as are prescribed;
28. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 158, s. 82 (1); 1960-61, c. 32, s. 12, *amended*.

84. The Minister may make regulations,

Regulations
by Minister

1. prescribing the open seasons during which and the terms and conditions upon which any fur-bearing animal may be hunted or trapped or the pelt of any of them may be possessed;
2. prescribing the open seasons during which and the terms and conditions upon which rabbits or black, grey or fox squirrels may be hunted or trapped;
3. setting apart waters for the conservation or propagation of fish;
4. regulating or prohibiting the placing of huts on ice for the purpose of fishing and regulating their use and requiring and regulating their removal. R.S.O. 1960, c. 158, s. 82 (2), *amended*.

85. Any regulation may be limited territorially or as to time or otherwise. R.S.O. 1960, c. 158, s. 82 (3).

Regulations
may be
limited

86. *The Game and Fisheries Act* and *The Game and Fisheries Amendment Act, 1960-61* are repealed.

R.S.O. 1960,
c. 158;
1960-61,
c. 32,
repealed

87. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

88. This Act may be cited as *The Game and Fish Act*, Short title 1961-62.

The Game and Fish Act, 1961-62

1st Reading

February 21st, 1962

2nd Reading

February 27th, 1962

3rd Reading

MR. SPOONER

*(Reprinted as amended by the
Committee on Game and Fish)*

BILL 69

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

The Game and Fish Act, 1961-62

MR. SPOONER

BILL 69

1961-62

The Game and Fish Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "closed season" means a period that is not an open season;
2. "deer" includes wapiti (commonly called elk);
3. "Department" means the Department of Lands and Forests;
4. "dog" means any of the species *Canis familiaris* Linnaeus;
5. "domestic animals and domestic birds" includes any non-native species kept in captivity, except pheasants, but does not include native species kept in captivity or non-native species present in the wild state;
6. "farmer" means a person whose chief occupation is farming and,
 - (a) who is living upon and tilling his own land, or land to the possession of which he is for the time being entitled, or
 - (b) who is a *bona fide* settler engaged in clearing land for the purpose of bringing it to a state of cultivation;
7. "ferret" means any of the domesticated forms of the old world polecat (*Putorius putorius*) used for hunting;

8. "fur-bearing animal" means a beaver, fisher, fox, lynx, marten, mink, muskrat, otter, raccoon, skunk, red squirrel, weasel, wolverine or any other animal that the Lieutenant Governor in Council declares to be a fur-bearing animal, and includes any part of such animal;
9. "game" means a game animal, game bird or fur-bearing animal and includes any part of such animal;
10. "game animal" means any animal, except a fur-bearing animal, protected by this Act, and includes any part of such animal;
11. "game bird" means any bird protected by this Act or the *Migratory Birds Convention Act* (Canada), and includes any part of such bird;
12. "game bird hunting preserve" means any area in which pheasants or other game birds propagated under a licence are released for hunting purposes;
13. "holder of a licence" means the person named in the licence;
14. "hunting" includes chasing, pursuing, following after or on the trail of, searching for, shooting, shooting at, stalking or lying in wait for, worrying, molesting, taking or destroying any animal or bird, whether or not the animal or bird be then or subsequently captured, injured or killed, and "hunt" and "hunter" have corresponding meanings;
15. "licence" means an instrument issued under this Act conferring upon the holder the privilege of doing the things set forth in it, subject to the conditions, limitations and restrictions contained in it and in this Act and in the regulations, but no licence is or shall operate as a lease;
16. "Minister" means the Minister of Lands and Forests;
17. "non-resident" means a person who has not actually resided in Ontario for a period of at least seven months during the twelve months immediately preceding the time that his residence becomes material under this Act;

18. "officer" means a Conservation Officer or a Deputy Conservation Officer and includes a member of the Royal Canadian Mounted Police Force or the Ontario Provincial Police Force or any other person authorized to enforce this Act;
19. "Ontario Fishery Regulations" means the Ontario Fishery Regulations made under the *Fisheries Act* ^{R.S.C. 1952, c. 119} (Canada);
20. "open season" means a specified period during which specified game or fish may be taken;
21. "owner", with reference to land, includes any person who is the owner of an interest in land entitling him to the possession of it, but does not include the holder of a timber licence;
22. "pelt" means the untanned skin of a fur-bearing animal;
23. "pheasant" means any of the species *Phasianus colchicus* Linnaeus;
24. "rabbit" includes cottontail rabbit, varying hare and European hare;
25. "regulations" means the regulations made under this Act;
26. "resident" means a person who has actually resided in Ontario for a period of at least seven months during the twelve months immediately preceding the time that his residence becomes material under this Act;
27. "snare" means a device for the taking of animals whereby they are caught in a noose, and "snaring" has a corresponding meaning;
28. "trap" means a spring trap, gin, deadfall, snare, box or net used to capture game, and "trapping" has a corresponding meaning;
29. "vehicle" means a vehicle that is drawn, propelled or driven by any kind of power, including muscular power, and includes the rolling stock of a railway;
30. "vessel" means a boat or ship, and includes a skiff, canoe, punt and raft. R.S.O. 1960, c. 158, s. 1, amended.

APPLICATION

Application
of Act

- 2.** This Act does not apply,
- (a) to domestic animals and domestic birds, except dogs;
 - (b) to a person taking or destroying a hawk, kingfisher or owl or any animal, other than a caribou, deer or moose, on his own lands in defence or preservation of his property by any means at any time; or
 - (c) to a person destroying a beaver dam in defence or preservation of his property. R.S.O. 1960, c. 158, ss. 2, 36, *part, amended*.

ADMINISTRATION

Purpose of
the Act

3. The purpose of this Act is to provide for the management, perpetuation and rehabilitation of the wildlife resources in Ontario, and to establish and maintain a maximum wild-life population consistent with all other proper uses of lands and waters. *New*.

Administra-
tion of Act

4. The administration of this Act is under the control and direction of the Minister. R.S.O. 1960, c. 158, s. 3, *amended*.

Revenue

5. Except as otherwise provided by this Act, all rentals, licence fees, fines, penalties, proceeds of the sale of game and fish and of all property forfeited, and other receipts, fees and revenues under this Act or the regulations, or under any licence or instrument authorized by or under this Act, shall be paid to the Treasurer of Ontario. R.S.O. 1960, c. 158, s. 77, *amended*.

Power to
acquire
lands under
R.S.O. 1960,
c. 338

6.—(1) Land may be acquired under *The Public Works Act* for the purposes of management, perpetuation and rehabilitation of the wildlife resources in Ontario.

Idem

(2) The Minister on behalf of Her Majesty in right of Ontario may receive and take from any person by grant, gift, devise, bequest or otherwise any property, real or personal, or any interest therein for the purposes mentioned in subsection 1. 1960-61, c. 32, s. 1, *amended*.

Appoint-
ment of
conserva-
tion officers

7.—(1) The Minister may appoint conservation officers for carrying out this Act and the regulations. *New*.

Deputy con-
servation
officers

(2) The Minister may appoint deputy conservation officers in and for any part of Ontario to serve without remuneration.

(3) Every appointment under subsection 2 shall be for the ^{Termination of appointments} period stated in the appointment. R.S.O. 1960, c. 158, s. 4, *amended*.

8.—(1) An officer may, without a search warrant,

^{Search of vehicles, vessels, etc.}

- (a) stop, enter and search any aircraft, vehicle or vessel;
- (b) enter and search any fishing, hunting, mining, lumber or construction camp, or any office of any common carrier, or any premises where pelts are bought or sold; and
- (c) open and inspect any trunk, box, bag, parcel or receptacle,

if he has reasonable grounds to believe that any of them contains any game or fish killed, taken, shipped or had in possession in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act. ^{R.S.C. 1952. c. 179}

(2) An officer who has reasonable grounds to believe that ^{Search warrant} it is necessary to enter any building which by this Act he is not authorized to enter without a search warrant shall make a deposition before a justice of the peace, and, where the justice is satisfied that there is reasonable ground for believing that there is in the building,

- (a) anything upon or in respect of which an offence against this Act or the regulations has been or is suspected to have been committed; or
- (b) anything which there is reasonable ground to believe will afford evidence as to the commission of any such offence,

he may at any time issue a search warrant.

(3) An officer may use as much force as is necessary for ^{Use of force} him to exercise the powers conferred upon him by subsection 1 or in the execution of a search warrant issued under subsection 2. R.S.O. 1960, c. 158, s. 6 (1, 2), *amended*.

9. An officer on view may arrest without process any ^{Arrest on view} person found committing a contravention of this Act or of the regulations, in which case he shall bring him with reasonable diligence before a competent court to be dealt with according to law. R.S.O. 1960, c. 158, s. 6 (3).

Entry upon
private
property

10. An officer in the discharge of his duties and any person by him accompanied or authorized for the purpose may enter upon and pass through or over private lands without being liable for trespass. R.S.O. 1960, c. 158, s. 6 (4), *amended*.

Authority
to prosecute

11. An officer shall investigate all contraventions of this Act and the regulations brought to his notice and may prosecute any person who he has reasonable cause to believe is guilty of an offence against this Act. R.S.O. 1960, c. 158, s. 6 (6), *amended*.

Obstructing
officers

12. No person shall obstruct, hinder or delay or interfere with an officer in the discharge of his duty by violence or threats or by giving false information, or in any other manner. R.S.O. 1960, c. 158, s. 6 (8).

Authority
to stop
vehicles,
vessels

13. An officer may stop a vehicle or vessel for the purpose of,

(a) determining whether the occupants of the vehicle or vessel have been hunting or fishing; or

(b) obtaining information as to the number and species of game or fish taken. *New*.

Power of
inspection of
documents
by officers

14. No person shall refuse to allow an officer to examine any book, invoice or document containing any entry or memorandum relating to game or fish that the officer suspects of being taken or possessed in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, and he shall afford every reasonable facility for the examination, and, upon refusal, the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct the examination and remove any such book, invoice or document to safe-keeping. R.S.O. 1960, c. 158, s. 70, *part, amended*.

R.S.C. 1952,
c. 179

Seizure of
game and
other
property

15.—(1) Any game or fish suspected of having been taken or possessed and any thing, except an aircraft, vehicle or vessel, suspected of having been used in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, shall be seized.

Seizure of
aircraft, etc.

(2) An aircraft, vehicle or vessel,

(a) suspected of having been used; or

- (b) used in transporting game or fish suspected of having been taken or possessed,

in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* ^{R.S.C. 1952, c. 179} (Canada) or the regulations made under that Act may be seized.

(3) Upon conviction, any property seized under this section is forfeited to the Crown in right of Ontario as represented by the Minister. ^{Forfeiture of property seized} R.S.O. 1960, c. 158, s. 81 (1), *amended*.

GENERAL PROVISIONS

16. No person shall for hire, gain or reward, or hope thereof, hunt game, or employ, hire or for valuable consideration, induce any other person to hunt game. ^{Hunting for hire, prohibited} R.S.O. 1960, c. 158, s. 48.

17.—(1) No person shall hunt or fish or with any gun or sporting implement, fishing rod or tackle in his possession go upon any enclosed or unenclosed land or water after he has had oral or written notice not to hunt or fish thereon by the owner or by a person authorized by the owner to give such notice. ^{Entry after notice}

(2) No person shall,

(a) without authority give or cause to be given the notice mentioned in subsection 1; or ^{Wrongful erection or destruction of notices}

(b) tear down, remove, deface, damage or interfere with any notice put up, posted or placed pursuant to subsection 1. R.S.O. 1960, c. 158, s. 66 (2, 3), *amended*.

(3) No person shall, for the purpose of hunting or fishing, enter into or allow a dog to enter into growing or standing grain or any other crop, whether of one kind or not, without the permission of the owner or a person authorized by the owner to give such permission. ^{Growing crops}

(4) No person in a party of more than twelve persons shall hunt or with any gun or sporting implement enter upon any enclosed or unenclosed land in a county without the permission of the owner or a person authorized by the owner to give such permission. ^{Hunting in parties exceeding twelve}

(5) No person shall without authority enter or attempt to enter upon lands owned by the Crown that are used for the purpose of propagating or retaining game or fish. ^{Entry on Crown lands used for propagating or retaining game or fish}

Destruction
of notices
or signs

(6) No person shall tear down, remove, damage, deface or interfere with any notice or sign of the Department put up, posted or placed for the purposes of this Act. R.S.O. 1960, c. 158, s. 65 (1-4), *amended*.

Common
law remedy
for trespass

(7) Nothing in this section limits or in any way affects the remedy at common law of an owner for trespass. R.S.O. 1960, c. 158, s. 65 (5).

Right of
apprehension

(8) Every person found contravening any provision of this section may be apprehended without warrant by a constable or by the owner of the land on which the contravention takes place, or by the servant of or by any person authorized by such owner, and be taken forthwith to a justice of the peace to be dealt with according to law. R.S.O. 1960, c. 158, s. 66 (5); 1960-61, c. 32, s. 10, *amended*.

Offence of
hunting
carelessly

18. Every person is guilty of the offence of hunting carelessly who, being in possession of an air-gun or fire-arm for the purpose of hunting, discharges or causes to be discharged or handles such air-gun or fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. 1960-61, c. 32, s. 11, *amended*.

Use of
aircraft

19. Except as provided in the regulations, no person shall use an aircraft while hunting. R.S.O. 1960, c. 158, s. 59, *amended*.

Fire-arms
in game
areas

20.—(1) No person, while engaged in hunting or trapping game or while going to or returning from a hunting camp or locality that game inhabits or where game is usually found, shall,

- (a) have a loaded air-gun or fire-arm in or on, or discharge the same from, an aircraft or a vehicle; or
- (b) discharge an air-gun or fire-arm from or across the travelled portion of a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles. R.S.O. 1960, c. 158, s. 60 (1), *amended*.

Fire-arms
in power-
boats
R.S.C. 1952,
c. 179

(2) Except as otherwise provided in the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, no person shall have a loaded air-gun or fire-arm in or on or discharge the same from a power-boat. R.S.O. 1960, c. 158, s. 60 (2).

(3) A fire-arm having an unfired shell or cartridge in the chamber or in a magazine attached to the fire-arm shall be deemed to be loaded within the meaning of this section. <sup>Interpre-
tation</sup> R.S.O. 1960, c. 158, s. 60 (3), *amended*.

21. Notwithstanding section 19 and clause *a* of subsection 1 of section 20, wolves may be hunted from an aircraft or a vehicle under the authority of a licence issued by the Minister and subject to such terms and conditions as are prescribed by the regulations. <sup>Hunting
wolves</sup> R.S.O. 1960, c. 158, s. 61, *amended*.

22. In a locality that game usually inhabits or in which game is usually found, no person shall have an air-gun or fire-arm in his possession for the purpose of hunting unless it is unloaded and encased between one-half hour after sunset and one-half hour before sunrise of any day. <sup>Prohibition
as to guns</sup> R.S.O. 1960, c. 158, s. 47, cl. (a), *amended*.

23. Notwithstanding section 22, the holder of a licence to hunt raccoon may possess or use a fire-arm for the purpose of hunting raccoon during the open season therefor when accompanied by a dog licensed therefor. <sup>Exception,
raccoon
hunting</sup> R.S.O. 1960, c. 158, s. 47, cl. (d), *amended*.

24. No person shall hunt any animal or bird with a repeating, automatic or auto-loading shot-gun that has not been permanently plugged or altered so that it is incapable of holding a total of more than three shells at one time in the chamber and magazine. <sup>Automatic
shot-guns</sup> R.S.O. 1960, c. 158, s. 62.

25.—(1) Except as provided in the regulations, no person shall hunt, trap or possess, or attempt to trap, any animal or bird in a provincial park or in a Crown game preserve. <sup>Hunting,
etc., in
provincial
parks</sup>

(2) Except as provided in the regulations, no person shall possess in a provincial park or in a Crown game preserve any trap, explosive, gun or sporting implement. <sup>Weapons in
provincial
parks</sup> R.S.O. 1960, c. 158, s. 11, *amended*.

26. Except as provided in the regulations, no person shall take or kill or attempt to take or kill any animal by means of poison. <sup>Poison
prohibited</sup> R.S.O. 1960, c. 158, s. 46, *amended*.

27. Except as provided in the regulations, no person shall use a ferret in hunting game animals. ^{Ferrets} R.S.O. 1960, c. 158, s. 33 (10), *amended*.

28. No person who has taken or killed an animal, bird or fish suitable for food shall allow the flesh to be destroyed or spoiled. <sup>Flesh not to
be wasted</sup> R.S.O. 1960, c. 158, s. 58, *part*.

Release of
imported
stock

29. Without the written authority of the Minister, no person shall release into natural cover any animal or bird imported into Ontario or propagated from stock imported into Ontario. R.S.O. 1960, c. 158, s. 49 (2).

Importation
of game

30. Nothing in this Act prevents the bringing of game into Ontario from a place outside Ontario or the possession in Ontario of game taken outside Ontario if the game was legally taken. R.S.O. 1960, c. 158, s. 49 (1), *amended*.

Hotels,
restaurants,
etc.

31. Except with the written authority of the Minister, no hotel, restaurant, boarding-house or other commercial premises shall mention on a bill of fare or serve any game, other than game that has been propagated or sold under a licence. R.S.O. 1960, c. 158, ss. 13, 45, *amended*.

Offence to
make false
statement

32. Any person who knowingly makes any false statement in any application, statement under oath, report or return required by this Act or the regulations is, in addition to any other penalty for which he may be liable, guilty of an offence against this Act. R.S.O. 1960, c. 158, s. 25 (9), *amended*.

LICENCES

Licences

33. Except under the authority of a licence, no person shall hunt or trap or attempt to trap animals or birds. R.S.O. 1960, c. 158, s. 7 (1), *amended*.

Contraven-
tion of
terms, etc.

34.—(1) No person shall contravene the terms or conditions of his licence. *New*.

Transfer of
licence,
coupon or
seal

(2) Except as prescribed by the regulations, no licence shall be transferred and no person shall buy, sell, exchange or in any way be a party to the transfer of a licence, shipping coupon or seal, or in any way use or attempt to use a licence, shipping coupon or seal issued to any other person.

Issue of
licence dis-
cretionary

(3) The issue of a licence is in the discretion of the Minister. R.S.O. 1960, c. 158, s. 25 (1, 3), *amended*.

Refund of
fees

(4) The Minister may direct the refund of the whole or any part of the fee paid for any licence where, owing to the licence not having been used, or having been used for part only of the period for which it was issued, he deems it just, and the Treasurer of Ontario, upon the written request of the Minister, shall cause the refund to be made to the holder of the licence. R.S.O. 1960, c. 158, s. 76, *amended*.

Cancellation
of licence
in event
of error

(5) The Minister may cancel any licence where an error has been made from any cause when issuing it, and the holder

has no claim for indemnity or compensation with respect to it other than the adjustment or refund of any fee collected. R.S.O. 1960, c. 158, s. 67 (2), *amended*.

(6) Except as provided in the regulations, no holder of a licence shall hunt game unless at that time he has the licence on his person. R.S.O. 1960, c. 158, s. 25 (6), *part, amended*. Licence to be carried

(7) The holder of a licence shall produce and show it to any officer whenever requested by the officer. R.S.O. 1960, c. 158, s. 25 (4), *amended*. Production of licence on demand

(8) The holder of a licence shall wear in a conspicuous place on his person any badge that is furnished to him by the Department at the time of the issue of the licence, and the licence with which a badge is furnished at the time of issue is not valid unless the holder is wearing the badge in the manner required by this subsection. R.S.O. 1960, c. 158, s. 25 (6), *part, amended*. Wearing of badge

(9) The holder of a licence obtained by any false or misleading statement made in respect of any information required for the issue of the licence shall be deemed to be the holder of a void licence and the holder may be prosecuted under this Act in the same manner and with the same effect as he could be prosecuted if he were not the holder of a licence. R.S.O. 1960, c. 158, s. 25 (8), *amended*. Licence obtained by misrepresentation

35. Except as prescribed by the regulations, no licence shall be issued to any person under the age of sixteen years. R.S.O. 1960, c. 158, s. 9. Minors

36.—(1) No person shall issue any licence or collect any fee in respect thereof unless authorized by the Minister. Issuers of licences

(2) No issuer of licences shall issue and no person shall possess a hunting licence that does not exhibit the name of the holder or that is antedated or undated. R.S.O. 1960, c. 158, s. 26, *amended*. Licences not to be issued in blank

(3) Every issuer of licences shall keep such records and make such returns relating thereto as are prescribed by the regulations. *New*. Failure to make returns

37.—(1) The Minister may in writing authorize any municipality to pass by-laws for issuing and fixing the maximum number of licences to hunt, during the open season, pheasants, rabbits and foxes and for charging such fees therefor as he authorizes, and the Minister may fix the minimum number of such licences that the by-law shall provide for. Municipal licences to hunt pheasants, etc.

Where
municipal
licence
required

(2) Where a municipality has passed a by-law under subsection 1, no person shall hunt pheasants, rabbits or foxes in the municipality during the open season without a licence from the municipality. R.S.O. 1960, c. 158, s. 27, *amended*.

Validity of
licence

R.S.C. 1952,
c. 179

(3) Where a municipality has passed a by-law under subsection 1, the Minister may in writing authorize the municipality to pass a further by-law to provide that a licence to hunt animals and birds not protected by this Act or the regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, during the period between the 1st day of March and the 31st day of August, is not valid in that municipality unless it is signed by the clerk of the municipality or by a person authorized by him. *New*.

GAME ANIMALS

Open
seasons

38.—(1) Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as are prescribed by the regulations, no person shall hunt black bear, polar bear, caribou, deer or moose. R.S.O. 1960, c. 158, s. 29; 1960-61, c. 32, s. 3, *amended*.

Multiplicity
of licences

(2) Except as prescribed by the regulations, no person shall be the holder of more than one licence to hunt caribou, deer or moose in any year. R.S.O. 1960, c. 158, s. 25 (7), *amended*.

Caribou,
deer and
moose that
may be
taken

39.—(1) Subject to subsections 2, 3 and 4, no person shall, during the open season, take or kill more than one caribou under a licence to hunt caribou, one deer under a licence to hunt deer, or one moose under a licence to hunt moose. R.S.O. 1960, c. 158, s. 31 (1), *amended*.

Exception,
party
hunting
caribou

(2) Where two or more persons who hold licences to hunt caribou are hunting as a party, any member of the party may take or kill the number of caribou that is equal to the number of such licences held by the members of the party, but in no case shall the total number of caribou taken or killed by the members of the party exceed the total number of such licences held by the members of the party. *New*.

Exception,
party
hunting
deer

(3) Where two or more persons who hold licences to hunt deer are hunting as a party, any member of the party may take or kill the number of deer that is equal to the number of such licences held by the members of the party, but in no case shall the total number of deer taken or killed by the members of the party exceed the total number of such licences held by the members of the party. R.S.O. 1960, c. 158, s. 31 (2).

(4) Where two or more persons who hold licences to hunt ^{Exception,} moose are hunting as a party, any member of the party may ^{party} take or kill the number of moose that is equal to the number ^{hunting} of such licences held by the members of the party, but in no ^{moose} case shall the total number of moose taken or killed by the members of the party exceed the total number of such licences held by the members of the party. 1960-61, c. 32, s. 4.

40. No person shall take or kill a black bear, polar bear, ^{Traps, nets,} caribou, deer or moose by means of a trap, net, baited line or ^{snakes, etc.,} other similar contrivance or set any of them for any such ^{prohibited} animal. R.S.O. 1960, c. 158, s. 33 (8); 1960-61, c. 32, s. 5, *amended*.

41. No person shall hunt a caribou, deer or moose while ^{Swimming} it is swimming. R.S.O. 1960, c. 158, s. 30 (5), cl. (b), *amended*. ^{caribou,} ^{deer or} ^{moose}

42. Except under the authority of a licence and during ^{Hunting,} such times and on such terms and conditions and in such parts ^{trapping,} of Ontario as the Minister prescribes, no person shall hunt ^{etc.} or trap or attempt to trap any rabbit or any black, grey or fox squirrel. R.S.O. 1960, c. 158, s. 30 (4), *part, amended*.

43.—(1) Except under the authority of a licence and sub- ^{Licence} ject to the regulations, no person shall sell a game animal ^{for sale} or possess a game animal for sale. R.S.O. 1960, c. 158, s. 45, ^{of a game} *amended*. ^{animal}

(2) Subsection 1 does not apply to European hare or ^{Exception} varying hare. *New*.

44. Except with the written authority of the Minister, ^{Taking} no person shall, during a closed season, take a game animal ^{of game} for educational or scientific purposes. R.S.O. 1960, c. 158, ^{animal for} ^{scientific} ^{purposes} s. 18, *amended*.

45. Notwithstanding anything in this Act, any person ^{Dealing in} may under the authority of a licence sell the meat of a bear ^{bear meat} if taken lawfully, and any person may without a licence possess or buy any bear meat for his own use. R.S.O. 1960, c. 158, s. 15, *part*.

GAME BIRDS

46. Except under the authority of a licence and during ^{Grouse,} such times and on such terms and conditions and in such parts ^{partridge,} of Ontario as are prescribed by the regulations, no person shall ^{etc.} hunt ruffed grouse, spruce grouse, Hungarian partridge, pheasant, sharp-tailed grouse, greater prairie-chicken, ptarmigan, bob-white quail or wild turkey. R.S.O. 1960, c. 158, s. 38 (1), *amended*.

Hunting
birds

47. No person shall hunt any game bird during the closed season or any other bird at any time, except crows, cow-birds, blackbirds, starlings and house-sparrows. R.S.O. 1960, c. 158, s. 40, *amended*.

Traps and
snares
prohibited

48. No person shall use, set or maintain a net, trap, spring, cage or other similar contrivance for the purpose of taking or killing any game bird. R.S.O. 1960, c. 158, s. 41, *amended*.

Use of rifle
to hunt
pheasant
prohibited

49. No person shall hunt pheasant with a rifle. R.S.O. 1960, c. 158, s. 63.

Licence for
propagation,
etc., of
game birds

50. Except under the authority of a licence and subject to the regulations, no person shall propagate or sell a game bird or possess a game bird for propagation or sale. R.S.O. 1960, c. 158, s. 17 (1), *amended*.

Game bird
hunting
preserves

51. Except under the authority of a licence and subject to the regulations, no person shall own or operate a game bird hunting preserve. R.S.O. 1960, c. 158, s. 39, *amended*.

Eggs and
nests
protected

52. No person shall take, destroy or possess the eggs or nests of any game bird, except with the written authority of the Minister to take, destroy or possess the eggs or nests for educational or scientific purposes. R.S.O. 1960, c. 158, s. 43, *amended*.

FUR-BEARING ANIMALS

Hunting,
trapping,
etc.

53. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as the Minister prescribes, no person shall hunt or trap or attempt to trap any fur-bearing animal. R.S.O. 1960, c. 158, s. 30 (4), *part, amended*.

Licence to
trap

54.—(1) The Minister may, in a licence to hunt or trap fur-bearing animals,

(a) fix the number of each species of fur-bearing animal that may be taken thereunder; and

(b) designate the area in which fur-bearing animals may be taken thereunder by the holder of the licence.

Idem

(2) The Minister may limit the number of licences to hunt or trap fur-bearing animals in any area. R.S.O. 1960, c. 158, s. 10 (1, 2), *amended*.

(3) No non-resident shall be the holder of a licence to hunt or trap fur-bearing animals. R.S.O. 1960, c. 158, s. 25 (5), *amended*. ^{Non-residents}

(4) The holder of a licence to hunt or trap fur-bearing animals may sell any fur-bearing animal taken by him under the authority of the licence or the pelt of any such animal. ^{Authority to sell}

(5) Subject to sections 25 and 37, the holder of a licence to hunt or trap fur-bearing animals may, under the authority of that licence and without any other licence, hunt, in the area described in the licence during the open seasons between the 15th day of October and the 30th day of June in the year next following, any bird or animal, other than caribou, deer or moose. ^{Exceptions as to trappers}

(6) A farmer or any of his family residing with him upon his lands may without a licence hunt or trap thereon fur-bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer or moose, during the open seasons, and, subject to this Act, any farmer may without a licence sell the fur-bearing animals so hunted or trapped or the pelts thereof, but he shall keep such records and make such returns relating thereto as are prescribed by the regulations. R.S.O. 1960, c. 158, s. 7 (2-4), *amended*. ^{Exceptions as to farmers}

55. Where a person has taken or killed any fur-bearing animal in the closed season on his own lands in defence or preservation of his property, he shall within ten days thereof report the facts to the Department, and he shall not offer the pelt of such fur-bearing animal for sale or barter during the closed season except under a licence, and any fur dealer possessing such a pelt shall hold the licence and forward it to the Department when applying for a licence to ship it out of Ontario or to dress or tan it. R.S.O. 1960, c. 158, s. 36, *part, amended*. ^{Animals taken in preservation of property}

56. Except as prescribed by the regulations, no person shall during the closed season have in his possession or in that of his servant or agent, or in that of any other person on his behalf, any fur-bearing animal wherever killed, ^{Possession of fur-bearing animals in closed season}

- (a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx, marten, mink and otter that have been sealed or marked in accordance with this Act or to the pelts of mink raised on a fur farm; and

- (b) except that a pelt of an animal killed outside Ontario may be possessed during the closed season under a licence if applied for within forty-eight hours after the pelt is received. R.S.O. 1960, c. 158, s. 44, cls. (b, c), *amended*.

Licences: **57.**—(1) Except under the authority of a licence, no person shall,

fur tanner's (a) engage in or carry on, or be concerned in, the tanning, plucking or treating of pelts; or

fur dealer's (b) possess, engage in or carry on, or be concerned in, the trading, buying or selling of fur-bearing animals or pelts. R.S.O. 1960, c. 158, s. 12 (1), cls. (c, d), *amended*.

Trade only between licensed fur dealers (2) No holder of a licence under clause b of subsection 1 shall sell, trade or barter, or be concerned in the selling, trading or bartering, of pelts to or with any other person in Ontario except where that other person holds a licence under clause b of subsection 1. R.S.O. 1960, c. 158, s. 12 (2), *amended*.

Sealing and marking of skins and pelts **58.**—(1) The pelts of beaver, fisher, lynx, marten, mink and otter shall be sealed or marked by a duly authorized person before sale, and no person licensed under clause b of subsection 1 of section 57 shall have unsealed or unmarked beaver, fisher, lynx, marten, mink or otter pelts in his possession.

Exception (2) Subsection 1 does not apply to the pelts of mink raised on a fur farm.

Offence (3) No person shall present or permit to be presented for sealing or marking the pelt of a beaver, fisher, lynx, marten, mink or otter that was not taken by him under the authority of his licence to hunt or trap fur-bearing animals or under subsection 6 of section 54.

Idem (4) No person shall be party to having or attempting to have sealed or marked the pelt of a beaver, fisher, lynx, marten, mink or otter that was not taken under the authority of the licence that is presented with the pelt. R.S.O. 1960, c. 158, s. 30 (1-3), *amended*.

Licence for propagation of fur-bearing animal **59.** Except under the authority of a licence, no person shall propagate a fur-bearing animal or possess a fur-bearing animal for propagation. R.S.O. 1960, c. 158, s. 17 (1), *amended*.

60. Subject to section 2 and except under the authority ^{Dens of fur-bearing animals} of a licence to hunt or trap fur-bearing animals, no person shall molest, damage or destroy,

(a) a den or usual place of habitation of a fur-bearing animal, other than that of a fox or skunk; or

(b) a beaver dam. R.S.O. 1960, c. 158, s. 33 (7), *amended*.

61.—(1) No person shall take or ship or attempt to take ^{Royalties payable} or ship to a point outside Ontario any fur-bearing animal or its pelt without a licence and without paying the royalty prescribed by the regulations.

(2) No person shall send or have sent any fur-bearing ^{Idem} animal or its pelt to a tanner or taxidermist to be tanned, plucked or treated in any way without a licence and without paying the royalty prescribed by the regulations. R.S.O. 1960, c. 158, s. 28 (1), *amended*.

62. No person who has taken or killed a fur-bearing animal ^{Pelts not to be destroyed} shall allow the pelt to be destroyed or spoiled. R.S.O. 1960, c. 158, s. 58, *part*.

63. Notwithstanding anything in this Act, any person may ^{Dealing in muskrat, etc.} under the authority of a licence sell the meat of a beaver, muskrat or raccoon if taken lawfully, and any person may without a licence possess or buy any such meat for his own use. R.S.O. 1960, c. 158, s. 15, *part*.

FISH

64.—(1) No person shall sell, offer for sale, purchase or ^{No traffic in certain fish} barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, but, under the authority of a licence and subject to such terms and conditions as are prescribed by the regulations, a person may sell,

(a) small-mouthed black bass, large-mouthed black bass, speckled trout, brown trout, rainbow trout, Kamloops trout and Aurora trout for the purpose of stocking; and

(b) speckled trout, brown trout and rainbow trout for human consumption. 1960-61, c. 32, s. 8, *amended*.

(2) No person shall sell, offer for sale, purchase or barter, ^{Idem} or be concerned in the sale, purchase or barter, of yellow

pickerel (also known as pike-perch, walleye or doré), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a licence.

Idem (3) No person shall buy, sell or possess a fish or part of a fish taken from Ontario waters during the closed season for that fish. R.S.O. 1960, c. 158, s. 53 (2, 3), *amended*.

Fish nets, possession

65.—(1) Except under the authority of a licence, no person shall possess a gill, hoop, pound, seine, trap or trawl net.

Idem (2) No person shall sell a gill, hoop, pound, seine, trap or trawl net to any person not the holder of a commercial fishing licence or a licence under subsection 1. R.S.O. 1960, c. 158, s. 21, *amended*.

Waters set apart

66. No person shall take or attempt to take fish by any means from waters set apart for the conservation or propagation of fish, but the Minister may, in writing, authorize fish to be taken from such waters for scientific purposes. R.S.O. 1960, c. 158, s. 52 (1), *amended*.

Right to fish

67. The ownership of the bed of a navigable water or of a lake or river does not include the exclusive right of fishing in the water that covers or flows over the bed unless that exclusive right is expressly granted by the Crown. R.S.O. 1960, c. 158, s. 56 (1), *amended*.

DOGS

Use of dogs in hunting deer, etc.

68. Except under the authority of a licence issued for the dog, no person shall use or be accompanied by a dog while hunting caribou, deer or moose. R.S.O. 1960, c. 158, s. 34 (1), *amended*.

Dogs running at large, etc.

69.—(1) No person owning, claiming to own or harbouring a dog shall allow it to run at large during the closed season for deer in a locality that deer usually inhabit or in which they are usually found, and a dog found running deer during the closed season for deer in such a locality may be killed on sight by an officer without incurring any liability or penalty therefor. R.S.O. 1960, c. 158, s. 34 (4, 5), *amended*.

Use of dogs in hunting deer prohibited in designated areas, etc.

(2) No person shall use or be accompanied by a dog while hunting deer in a part of Ontario that is designated by the regulations, and a dog found running at large in such a designated part of Ontario may be killed on sight by an officer without incurring any liability or penalty therefor. R.S.O. 1960, c. 158, s. 34 (3), *amended*.

70. Except in a field trial approved in writing by the Minister, no person owning, claiming to own or harbouring a dog shall allow it to molest or follow upon the track of any game bird during the months of April, May, June and July in any year or disturb its nest at any time. R.S.O. 1960, c. 158, s. 42, *amended*. Restricted use of dogs

LIVE GAME AND WOLVES

71.—(1) Except under the authority of a licence issued on such terms and conditions as are prescribed by the regulations, no person shall keep live game or a wolf in captivity for more than fourteen days. *New*. Live game kept in captivity

(2) Live game or a wolf kept in captivity contrary to this section and any cage, pen, crate, shelter or other enclosure used in connection therewith shall be seized, and, upon conviction of the person in possession or control thereof, becomes the property of the Crown in right of Ontario and may be disposed of by the Minister. Seizure of animals, cages, etc.

(3) This section does not apply where live game or a wolf is kept in captivity in a public zoo or for scientific or educational purposes in a public institution. R.S.O. 1960, c. 158, s. 20 (5, 6), *amended*. Application of section

TRANSPORTATION AND EXPORT

72.—(1) No non-resident entitled to hunt under a licence shall export more game than the number he is authorized to possess by this Act or the regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act. R.S.O. 1960, c. 158, s. 50 (1), *amended*. Export of game by non-residents R.S.C. 1952, c. 179

(2) No person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport, fish or game caught, taken or killed in Ontario during the closed season. R.S.O. 1960, c. 158, s. 72 (1), cl. (d), *amended*. Transport of fish or game illegally taken

(3) The Minister may issue a permit not inconsistent with any law of Canada to export from Ontario or to transport in Ontario at any time any game, whether dead or alive, upon proof under oath satisfactory to him that the game has been lawfully taken. R.S.O. 1960, c. 158, s. 75, *amended*. Transport of game under permit

73. No person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport, a receptacle containing game or fish that is not plainly marked on the outside in such a manner as to give a description of the contents and the name and address of the consignee and of the consignor. R.S.O. 1960, c. 158, s. 73, *amended*. Receptacles to be marked

PROCEDURE

Offence **74.** A contravention of this Act or the regulations or of the terms and conditions of a licence is an offence against this Act. R.S.O. 1960, c. 158, s. 78 (3), *amended*.

Description of offence **75.** The description of an offence in the words of this Act or of the regulations, as the case may be, or in any words to the like effect, is sufficient, and an information may be for more than one offence, and more than one offence may be set out in one count. R.S.O. 1960, c. 158, s. 78 (4), *amended*.

Similar offence on the same day **76.** Where in a prosecution under this Act it appears in evidence that more than one offence of the same kind was committed at the same time or on the same day, the court shall in one conviction impose all the penalties at the same time. R.S.O. 1960, c. 158, s. 78 (6).

Procedure
R.S.O. 1960,
c. 387 **77.** Except where otherwise provided, *The Summary Convictions Act* applies to all prosecutions under this Act. R.S.O. 1960, c. 158, s. 78 (9).

Money payment as security for appearance in court
R.S.C. 1952,
c. 179 **78.**—(1) The Minister may authorize any officer to collect a money payment as security for appearance in court from any person against whom the officer is about to lay an information for an offence against this Act or the regulations, the Ontario Fishery Regulations, the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act.

Disposition of money payments (2) Where a money payment has been collected under subsection 1 and the person charged does not appear in court, he may be tried *in absentia* and, upon conviction, whether or not he has appeared in court, the money payment shall be applied to the payment of any fine imposed and the costs, and the balance, if any, shall be remitted to the person convicted, and, where no conviction is made, the money payment shall be remitted to the person who made it. *New*.

Disposition of forfeited property **79.**—(1) All property forfeited to the Crown under this Act may be disposed of by the Minister, and, where the seizure has been made from a person unknown, perishable game or fish may be disposed of forthwith, and any other property seized may be disposed of by the Minister after the expiration of thirty days. R.S.O. 1960, c. 158, s. 81 (1), *part, amended*.

Relief from forfeiture (2) Where the Minister is satisfied that the forfeiture of any property, other than game or fish, would work undue hardship or injustice, he may grant relief from forfeiture,

in whole or in part, and direct its return to the person from whom it was taken upon such terms and conditions as he deems proper. R.S.O. 1960, c. 158, s. 81 (3), *amended*.

80.—(1) Upon the conviction of any person of an offence against this Act or the Ontario Fishery Regulations, any licence, except a licence to hunt, other than a licence to hunt or trap fur-bearing animals, which is held by him and which is related to the offence, shall be deemed to be cancelled without further action or notice, but the Minister may revive the licence upon such terms and conditions as he deems proper. Cancellation and revival of licences after conviction

(2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act*, the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385 or 386 of the *Criminal Code* (Canada) as amended or re-enacted from time to time, committed while using or in possession of an air-gun or fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order. R.S.O. 1960, c. 158, s. 81 (5, 6), *amended*. Cancellation and prohibition against issue of licences R.S.O. 1960, c. 152; R.S.C. 1952, c. 179; 1953-54, c. 51 (Can.)

(3) Every person who fails to comply with an order made against him under subsection 2 is guilty of an offence against this Act. R.S.O. 1960, c. 158, s. 81 (7). Offence

81. In prosecutions under this Act in respect of,

Evidence

- (a) taking, killing, procuring or possessing game or fish, or any part thereof, the onus is upon the person charged to prove that the game or fish or part thereof was lawfully taken, killed, procured or possessed by him;
- (b) hunting or trapping, the possession of a gun, decoy or other implement for hunting or trapping in or near a place that game inhabits or where game is usually found is *prima facie* proof that the person in possession of it was hunting or trapping, as the case may be; or
- (c) making of returns by a licensee or an issuer of licences, the production of a return is *prima facie* proof of the making of such return and the contents thereof. R.S.O. 1960, c. 158, s. 79, *amended*.

General
penalty

82. Except where otherwise provided, every person who commits an offence against this Act is liable to a fine of not more than \$1,000. *New.*

REGULATIONS

Regulations
by Lt. Gov.
in Council

83. The Lieutenant Governor in Council may make regulations,

1. establishing classes for licences referred to in this Act or the regulations or the Ontario Fishery Regulations, governing the issue, form, renewal, transfer, refusal and cancellation of licences or any class of them, prescribing their duration, territorial limitations, terms and conditions and the fees payable therefor, and limiting the number of licences of any class that may be issued;
2. respecting the issue of licences to trap fur-bearing animals on Crown lands and dividing Ontario or any part thereof into trap-line areas and designating such areas by identifying numbers and initials;
3. providing for licensing persons to hunt in any provincial park in which hunting is permitted under paragraph 14 or on Crown lands in any part of Ontario designated under paragraph 15;
4. prescribing the terms and conditions upon which licences may be issued to persons under sixteen years of age;
5. declaring animals, other than those mentioned in paragraph 8 of section 1, to be fur-bearing animals;
6. governing the sale of or traffic in any game, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such game, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed;
7. authorizing and regulating the sale of game brought into Ontario and lawfully hunted or procured according to the law of the place in which it was hunted or procured;
8. prescribing the number of game animals, game birds or fur-bearing animals that may be possessed;

9. prescribing the open seasons during which and the terms and conditions upon which black bear, polar bear, caribou, deer or moose may be hunted;
10. prescribing the open seasons during which and the terms and conditions upon which ruffed grouse, spruce grouse, Hungarian partridge, pheasant, sharp-tailed grouse, greater prairie-chicken, ptarmigan, bob-white quail or wild turkey may be hunted;
11. designating any parts of Ontario in which no person shall use or be accompanied by a dog while hunting deer;
12. limiting the number of licences that may be issued to own or operate game bird hunting preserves, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of game on preserves, and regulating the spacing of preserves, the taking or killing of game on preserves and the use of preserves for hunting;
13. designating parts of Ontario as Crown game preserves and providing for licensing persons to possess guns in Crown game preserves;
14. prescribing the conditions under which animals or birds may be hunted in provincial parks or Crown game preserves, providing for and regulating the possession or use of traps, explosives, guns or sporting implements in provincial parks or Crown game preserves, and prohibiting the use of motor-boats for trolling in provincial parks;
15. designating Crown lands on which hunting may be regulated, limiting and regulating the number of hunters that may hunt at any time and the hours during which hunting may be carried on, and prescribing the fees that may be charged for the use of equipment and facilities supplied by the Department;
16. designating parts of Ontario as "hinterland areas" and prohibiting persons, other than residents of the areas, from entering and travelling about therein for the purpose of fishing or hunting;
17. prescribing the terms and conditions upon which aircraft may be used while hunting;

18. prescribing the terms and conditions upon which wolves may be hunted from an aircraft or vehicle;
19. prescribing the terms and conditions upon which a person may use a ferret for hunting game animals;
20. prescribing the terms and conditions upon which a person may use poison for taking or killing any animal;
21. regulating or prohibiting the use of snares;
22. regulating, restricting or prohibiting the possession or use of air-guns or fire-arms for the purpose of hunting;
23. providing for and establishing a programme to promote the safe handling of fire-arms by hunters, providing for the appointment of examiners and for the examining of persons on the safe handling of fire-arms, and prescribing fees for examinations;
24. governing the sale under clause *a* or *b* of subsection 1 of section 64 of small-mouthed black bass, large-mouthed black bass, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed;
25. prescribing the royalties payable in respect of fish or under section 61, and excepting any fish or fur-bearing animal therefrom;
26. permitting residents of any province extending a similar right to Ontario residents to be classed as Ontario residents for the purpose of any specified licence under this Act;
27. requiring any person to keep such records and make such reports and returns as are prescribed;
28. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 158, s. 82 (1); 1960-61, c. 32, s. 12, *amended*.

84. The Minister may make regulations,

Regulations
by Minister

1. prescribing the open seasons during which and the terms and conditions upon which any fur-bearing animal may be hunted or trapped or the pelt of any of them may be possessed;
2. prescribing the open seasons during which and the terms and conditions upon which rabbits or black, grey or fox squirrels may be hunted or trapped;
3. setting apart waters for the conservation or propagation of fish;
4. regulating or prohibiting the placing of huts on ice for the purpose of fishing and regulating their use and requiring and regulating their removal. R.S.O. 1960, c. 158, s. 82 (2), *amended*.

85. Any regulation may be limited territorially or as to time or otherwise. R.S.O. 1960, c. 158, s. 82 (3).

Regulations
may be
limited

86. *The Game and Fisheries Act* and *The Game and Fisheries Amendment Act, 1960-61* are repealed.

R.S.O. 1960,
c. 158;
1960-61,
c. 32,
repealed

87. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

88. This Act may be cited as *The Game and Fish Act*, 1961-62.

Short title

The Game and Fish Act, 1961-62

1st Reading

February 21st, 1962

2nd Reading

February 27th, 1962

3rd Reading

March 30th, 1962

MR. SPOONER



